



2015-2016

ANNUAL SECURITY REPORT

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Office of Postsecondary Education

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OVERVIEW

Compliance

The Technical College of the Lowcountry (TCL) is committed to maintaining a safe campus community. In compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* (20 USC § 1092(f)), TCL publishes the Annual Security Report for current and prospective students and employees. This report includes institutional policies and procedures statements concerning campus security and institutional crime statistics.

Preparation of the Annual Security Report

Under the direction of the Vice President of Administrative Services and the Vice President of Student Affairs, the Director of Institutional Research prepares the Annual Security Report (ASR) and submits crime statistics to the U.S. Department of Education Office of Postsecondary Education. Information in the ASR may also be found on TCL's Website under Consumer Information.

TCL's Campus Security collaborate with the local law enforcement agencies, and these agencies provide incident reports to the College, and likewise, the College contacts the local law enforcement authority to report any alleged criminal activity on campus. In July, the Director of Institutional Research (IR) examines all internal campus incident reports to identify those that are to be report under the Clery Act. Complying with the Freedom of Information, Director of IR requests incident reports from the local law enforcement agencies that have jurisdiction over the college campuses and public property nearby. This information is examined and all incidents are reported under the Clery Act guidelines. These reports are maintained in the Vice President of Administrative Services files and are available for review.

LAW ENFORCEMENT AGENCIES

- Beaufort County Sheriff's Office, 2001 Duke Street, Beaufort, SC 29902
- Jasper County Sheriff's Office, 12008 North Jacob Smart Boulevard, Ridgeland, SC 29936
- City of Beaufort Police , 1911 Boundary Street, Beaufort, SC 29902
- Varnville Police Department, 95 E Palmetto Ave., Varnville, SC 29944

Disclosure of Crime Statistics

Each year the Department of Institutional Research in collaboration with the TCL's Campus Security Authorities prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, which requires all colleges and universities in the United States to report their crime statistics and their campus security/law enforcement policies and reporting procedures to the United States Department of Education and the campus community annually by mid-October. The College compiles and reports these crimes as prescribed in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting System. This information is available on TCL's website at <http://www.tcl.edu/institutionalinformation/crime-report> or on the U.S. Department of Education Office of Post Secondary Education Campuses Security web page at <http://ope.ed.gov/security>. A paper copy of this information is also available from Division Administrative Services upon request. This annual report contains crime statistics for the most current three-year period and is available to all prospective and current students and employees.

Maintaining a Daily Crime Log

TCL maintains a daily crime log of alleged criminal incidents that is open for public inspection. The public or law enforcement may access the crime log during college hours of operation by contacting the Director of Facilities Management or the Vice President of Administrative Services. Campus Security maintains the crime log, and the crime log is updated within two business days of any crime report. The crime log shows the date the alleged crime was reported, the date and time the alleged crime occurred, the nature (description) of the alleged crime, the general location of the alleged crime, and the disposition of the complaint if known. The crime log excludes confidential information.

Dissemination

The Technical College of the Lowcountry distributes to all current students and employees and applicants for enrollment or employment descriptions of policies related to campus security and statistics concerning specific types of campus related crimes detailed in the Crime Awareness and Campus Security Act of 1990. In addition to the ASR, the College publishes [TCL Safety and Security Procedures Manual](#), [TCL Emergency Response Plan](#), and the [TCL Campus Safety and Security Guide](#) on its website. The [TCL Campus Safety and Security Guide](#) that is provided to the students [and TCL's Webpage: Crime Report](#) shows the institution's crime report. The *TCL Campus Safety and Security Guide* is made available in various office on campus including the Public Relations Office and Student Records. New students receive this Guide each term at registration and/or during new student registration. The *Emergency Response Guide* is posted in a prominent place on a wall in every office and classroom, and spaces where students, employees, and patrons gather on each campus. The Technical College of the Lowcountry will distribute to all current students and employees and applicants for enrollment or employment descriptions of policies related to campus security and statistics concerning specific types of campus related crimes detailed in the Crime Awareness and Campus Security Act of 1990.

CAMPUS SAFETY AND SECURITY OVERSIGHT

Statement of Policy 2-1-215 /Crime Awareness and Campus Security

LEGAL AUTHORITY: Crime Awareness and Campus Security Act of 1990; 20 U.S.C., Section 1092 (f)

DIVISION OF RESPONSIBILITY: ADMINISTRATIVE SERVICES

The Technical College of the Lowcountry complies with all requirements of the Crime Awareness and Campus Security Act of 1990; 20 U.S.C., Section 1092 (f). The College's Division of Administrative Services shall be primarily responsible for carrying out the mandates of the Crime Awareness and Campus Security Act. This division will develop rules, regulations, and procedures to implement compliance with the Act and will file periodic reports to the Commission. All public reporting requirements pertaining to this Act will be the responsibility of this division.

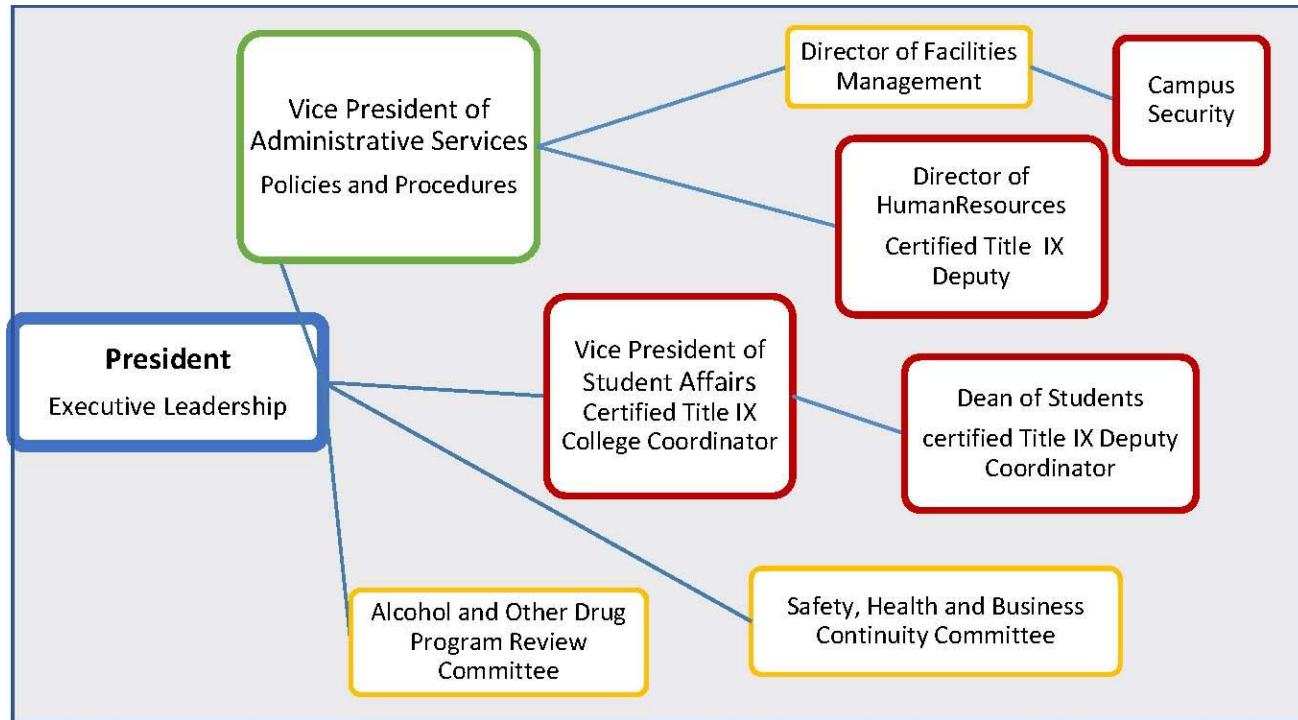
The college's Division of Administrative Services will develop rules and regulations on access and security of campus facilities including parking, vehicle registration and registration procedures. Periodic inspections and improvements for the purpose of campus safety shall be conducted. The College will inform students and employees about campus security measures, thereby encouraging all persons to be concerned about a secure campus environment and to be aware of security concerns on the campus.

The Division of Student Affairs will be responsible for developing procedures, methods and programs to encourage students and employees to report criminal actions and other emergencies occurring on campus. Students and employees shall be educated as to their personal responsibility for security and for the security of others. Responsibility for reporting campus crime to local authorities will rest with the Division of Administrative Services personnel.

Campus Security Authority

"Campus Security Authorities" (CSA), as defined by the Clery Act, include law enforcement and security officers; deans (or other senior student administrative personnel); overseers and advisors to student clubs and organizations; and other campus officials who have "significant responsibility for student and campus activities." The local law enforcement agencies provides incident reports to TCL Campus Security while Campus Security contacts the local law enforcement agencies to report criminal activities.

FIGURE 1: CAMPUS SECURITY AUTHORITY



President is responsible for executive leadership of the Technical College of the Lowcountry. His/her office oversees the activities of Institutional Committees including the Alcohol and Other Drug Program Review Committee and the Safety, Health and Business Continuity Committee. The President of the College appoints students, faculty, staff, and administrators to serve on the Alcohol and Other Drug Program Review Committee and the Safety, Health and Business Continuity Committee. These Committees have the task of reviewing current policies, procedures, and practices and make recommendation for improvement.

Vice President of Administrative Services develops rules and regulations on access and security of campus facilities including parking, vehicle registration and registration procedures. Periodic inspections and improvements for the purpose of campus safety shall be conducted. The College will inform students and employees about campus security measures, thereby encouraging all persons to be concerned about a secure campus environment and to be aware of security concerns on the campus. The College's Division of Administrative Services shall be primarily responsible for carrying out the mandates of the Crime Awareness and Campus Security Act. This division will develop rules, regulations, and procedures to implement compliance with the Act and will file periodic reports to the Commission. All public reporting requirements pertaining to this Act will be the responsibility of this division. Responsibility for reporting campus crime to local authorities will rest with the Administrative Services personnel. In addition, the Vice President for Administrative Services has the responsibility of coordinating the college-wide safety and security plan. The plan of the College is not only to meet but to exceed the requirements of state and federal laws regarding safety and security. College employees should become familiar with all aspects of the plan and work cooperatively to assist in making TCL a secure environment.

Under the direction of the Vice President for Administrative Services, the Facility Management Staff and Campus Security personnel evaluate threatening situations or hazards and take measures necessary to maximize the safety and security of all concerned. As emergencies and/or potential disaster situations warrant, the Emergency Notification Procedure will be used to notify staff and students of potential threatening situations. (See the TCL Emergency/Disaster Response Plan.)

The Facility Management Staff and Campus Security Personnel maintain the college's crime log. Local law enforcement agencies provide incident reports to the College when incidents are reported to the agency by students, employees, and community members if the incident was either on or nearby the campus.

The Vice President of Student Affairs will be responsible for developing procedures, methods and programs to encourage students and employees to report criminal actions and other emergencies occurring on campus. Students and employees shall be educated as to their personal responsibility for security and for the security of others. The Vice President of Student Affairs and the Dean of Students are responsible for dissemination of information and assisting students in reporting criminal activities as well as recommending programs and resources. The Vice President of Student Affairs serves as the Title IX College Coordinator and the Dean of Students and Director of Human Resources serve will serve as the Title IX Deputy Campus Coordinator. They are trained and certified regarding Title IX, sexual harassment, and VAWA.

SECURITY

TCL makes a good faith effort to maintain a safe environment and set guidelines, policies, procedures and methods of reporting incidents, responding appropriately to victims of crime, and educate and make aware our campus community of the resources and safety measures available.

College Security Personnel

TCL maintains a security staff during all normal business hours, evening hours, and weekend hours when classes are in session or as activities dictate. Security personnel are trained to understand how to manage relationships with various populations on the campus. They understand the limits of their authority and the resources to use when those limits are reached and work in cooperation with the City of Beaufort Police Department, Beaufort County Sheriff's Office, and the Varnville Police Department. They are responsible for securing buildings and permitting authorized access. Upon request, they will escort employees or students to vehicles there are safety concerns. The security personnel at the Technical College of the Lowcountry may be reached by campus telephone, cell phone or two-way radio depending on their location.

Use of Campus Facilities

Only authorized personnel may use the college campus and facilities. The use of campus facilities by external groups or organizations must be approved in advance through the college's Business Office. The Business Office will notify campus security in advance of the scheduled event. Approved student organizations and other college-administered programs may use the institution's facilities whenever requirements for use are met. Only authorized college employees may have keys to campus facilities. The college does not have any on-campus or off campus housing facilities. Campus Safety Information is communicated in publications, the college website, and during orientation programs and classes. In addition, the Student Affairs and campus organizations sponsor activities during the year to inform students about the prevention of crimes. Other safety measures include but are not limited to the recommended use of the campus safe walk areas to travel across campus, the locking and unlocking of campus buildings at scheduled times and lighting in all parking areas. No alcoholic beverages and/or illegal drugs are to be sold or consumed in facilities or properties owned or leased by the college. The purchase and/or consumption of alcohol and/or illegal drugs at college sponsored off-campus activities/ functions are strictly prohibited. The college adheres to the Clean Air Act passed by Beaufort County in September 1986. Smoking is not permitted in any college

building.

SAFETY AND SECURITY PROCEDURES STATEMENT OF SAFETY AND SECURITY POLICIES AND PROCEDURES

Sexual Violence of Sexual Assault

The Student Code for the South Carolina Technical Colleges, which TCL complies with, sets forth the rights and responsibilities of the individual student, identified behaviors that are not consistent with the value of college communities. (SBTCE 3-2-106.2) Any student, or other member of the college community, who believes that he/she is or has been a victim of sexual harassment or sexual assault may file a report with the college's Vice President of Student Affairs who also serves as the Title IX Coordinator, Dean of Students (Title IX Deputy Coordinator), or Director of Human Resources (Title IX Deputy Coordinator). The Title IX coordinator and deputy coordinator information are located on the college's website and is also made available through various college offices as well as included in faculty, staff, student training and information sessions. The college provides education programs to promote the prevention and awareness of rape, acquaintance rape, and other forcible or non-forcible offenses including stalking and domestic violence. Complete policies are available via student and faculty handbooks. (See the State Board for Technical and Comprehensive Education Procedure for Student Code Procedures for Addressing Alleged Acts of Sexual Violence and Sexual Harassment in the Appendices of the ASR.)

2-1-204 Nondiscrimination of Persons with Disabilities

The Technical College of the Lowcountry does not discriminate on the basis of disability in admission, access, or employment in any program or activity. The college will comply with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disability Act of 1990. The Vice President for Student Affairs or his/her designee will serve as the administrative officer responsible for meeting with students having disability concerns. The Human Resource Director will serve as the administrative officer responsible for meeting with individuals with employment concerns. The college's ADA Committee will serve as the appeals and oversight committee.

2-1-206 Use and Consumption of Alcohol on Campus

It is the policy of the Technical College of the Lowcountry that alcoholic beverages shall not be sold or consumed within the facilities or on properties owned or leased by the College unless approved by the TCL Commission. The TCL Commission reserves the right of approval/disapproval of alcohol consumption for those events sponsored by the college and/or the Commission. The President or President's designee is authorized to disapprove requests for permission to use alcohol by outside groups requesting use of the college facilities. This policy governs the Beaufort campus, the H. Mungin Center, the New River Campus, and any other at college sponsored functions off campus in which students are involved, the sale or consumption of alcohol shall conform to the laws of the state of South Carolina.

2-1-207 Non-Smoking

It is the policy of the Technical College of the Lowcountry that smoking by students, employees, and visitors is restricted to marked, designated smoking areas only. No smoking is permitted inside any building or vehicle owned or leased by the college.

2-1-217 Hazardous and Inclement Weather

It is the policy of the Technical College of the Lowcountry that in the event of adverse weather, power failure or other events that could affect the college's ability to maintain order and a safe environment, the President or designee will close the college and/or cancel classes. Upon such a decision the Vice President for Administrative Services will have the responsibility for seeing that this information is disseminated. All procedures regarding

equipment and securing the college are contained in the college's Safety and Security Manual.

2-1-219 Use of Institutional Vehicles

It is the policy of the Technical College of the Lowcountry to permit the use of institutional vehicles, when available, for authorized and approved travel by faculty, staff and Commission members in conducting the business of the college. Operators of vehicles are required to adhere to all applicable laws regarding operation of a motor vehicle and comply with college vehicle use procedures.

2-1-225 Criminal Background Investigations

It is the policy of the Technical College of the Lowcountry that employees who may have one-to-one contact with minors at any time while employed by the college and all students, staff, or faculty members who will be participating in laboratory studies as part of an educational curriculum requirement must have a criminal background investigation performed. All criminal background investigations will be conducted through an appropriate investigative agency. Results will be disseminated in accordance with TCL Policy 2-1-201.

6-1-601.23 Criminal Background Investigations Procedure

The Technical College of the Lowcountry requires criminal background investigations for all persons hired in a permanent, temporary, or college work study status and all volunteers. As part of the hiring process to include internal recruitment, applicants will complete the Applicant Authorization and Consent for Release of Information form. The Human Resources Office will process all criminal background investigations. Supervisors will inform all adjunct faculty and temporary employees that the employment offer is contingent on receiving a clear report except for those items noted on the employment application. It is the responsibility of the supervisor to notify Human Resources of the appropriate facility and/or department to receive the results of the background investigation, if required.

2-1-266 Sex Offender Disclosure

It is the policy of the Technical College of the Lowcountry to comply with "Megan's Law" and "The Campus Sex Crimes Prevention Act of 2000." The college will make available through the Employee Handbook and the Student Handbook where information provided by the State on registered sex offenders can be obtained.

2-1-229 Alcohol/Drug Use

It is the policy of the Technical College of the Lowcountry to provide a drug free, healthful, safe and secure work and educational environment. Employees and students are required and expected to report to their work, class, or student activities in appropriate mental and physical condition to meet the requirements and expectations of their respective roles. The Technical College of the Lowcountry prohibits the unlawful manufacture, distribution, dispensation, possession or use of narcotics, drugs, other controlled substances or alcohol at the workplace and in the educational setting. Unlawful for these purposes means in violation of federal/state/local regulations, policy, procedures, rules, as well as legal statutes. Workplace means either on the college premises or while conducting college business away from the college premises. Educational setting includes both institutional premises or in approved educational sites off campus. In order to prevent the consequences of alcohol and other drug abuse at the workplace and in the educational setting, the Technical College of the Lowcountry has implemented this policy to ensure a drug-free work and educational environment.

The Technical College of the Lowcountry recognizes that chemical dependency through use of controlled or uncontrolled substances, including alcohol, is a treatable illness. The college supports and recommends employee and student rehabilitation and assistance programs and encourages employees and students to use such programs. All locations will also implement drug-free awareness programs for employees and students. Such programs will annually ensure that employees and students are aware that:

1. Alcohol and other drug abuse at the workplace and in the educational setting is dangerous because it leads to physical impairment, loss of judgment, safety violations and the risk of injury, poor health, or even death. Health risks and effects of controlled substances and alcohol will be provided to students and employees.
2. Alcohol and other drug abuse can also significantly lower performance on the job and in the classroom, thus impacting on the agency and the college mission as well as seriously affect the student's educational and career goals.
3. Employees must report any personal conviction under a criminal drug statute, for conduct at the workplace, to their personnel officer within five days.
4. It is a condition of employment and admission that all employees and students must abide by the policy on alcohol and other drug use as well as related procedures/statements/laws/guidelines. Violation of any provisions may result in disciplinary action up to and including termination or expulsion respectively, and may have further legal consequences consistent with federal and state laws and regulations. Additionally, management may require an employee or student to enter an employee/student assistance or drug rehabilitation program as a condition of employment or enrollment.
5. Use of employee assistance programs (EAP), student assistance programs (SAP), or drug/alcohol rehabilitation services are encouraged.

2-1-230 Firearms and Weapons

To ensure a safe and secure environment for all members of the campus community, firearms are not allowed in any building, premises or property owned, operated or controlled by the Technical College of the Lowcountry. In addition, this policy prohibits carrying any other weapon (knife, blackjack, metal pipe, club, dirk, slingshot, brass knuckles, razor or other type of weapon), object or device which may cause bodily injury. Certified law enforcement personnel having authorization to carry such firearms or weapons are exempt from this policy.

2-1-231 HIV Infection and Aids

It is the policy of the Technical College of the Lowcountry to ensure that employees and students with AIDS, AIDS Related Complex (ARC) and Human Immunodeficiency Virus Infection (HIV), continue their active employment or enrollment in accordance with the Americans with Disability Act of 1990 as long as they are able to meet acceptable academic and work performance standards. Supervisors, employees and students will be sensitive to the special needs and concerns of employees and students with such conditions but generally should ensure that they are treated no differently than other employees or students. Strict confidentiality of information and communications will be maintained regarding any aspect of actual or suspected AIDS, ARC, or HIV situations.

2-1-233 Identification Cards

It is the policy of the Technical College of the Lowcountry that all currently enrolled students and all faculty and staff obtain and have in their possession a college issued photo identification card while on campus, while attending a college sponsored event, and when representing the college in any capacity. Students and employees must produce their cards on request to designated college officials and must comply with regulations in force regarding the use of the card. Exceptions to the requirement for identification cards will be detailed in the appropriate procedure.

4-1-403.1 Student Code and Grievance

It is the policy of the Technical College of the Lowcountry (TCL) that the State Student Code and Grievance Procedure shall govern conduct and guarantee due process for students enrolled in the college. The Student Code and Grievance Policy may be revised as needed with approval of the TCL Commission and approval of the State Board for Technical and Comprehensive Education.

PURPOSE: *THE* purpose of this procedure is to provide guidelines for the administration of the student code and grievance process.

PROCEDURE: The College strictly adheres to the guidelines of the State Technical College System's Procedure **3 -2 - 106.1** in its administration of the student code and grievance process.

(See the State Board for Technical and Comprehensive Education Procedure for Student Code Procedures for Addressing Alleged Acts of Sexual Violence and Sexual Harassment in the Appendices of the ASR.)

Link: State Board for Technical and Comprehensive Education Procedure 3-2-106.2 Student Code for Addressing Alleged Acts of Sexual Violence and Sexual Harassment

6-1-612 Children on Campus

In order to promote an environment conducive to teaching and learning, it is the policy of the Technical College of the Lowcountry to ensure that children are not left unattended on campus and those classes or services are not disrupted by children. Faculty, staff, and students of the college shall not bring children to work or class even if the children are being watched by someone else while the employee is working or the student is in class. The college cannot assume the responsibility for supervision of children of faculty, staff, or students. Although the Learning Resources Center is open to the general public, it is available for use by children under age twelve for reading and research only when they are under the direct supervision of a parent or legal guardian.

STATEMENT OF CURRENT POLICIES/PROCEDURES FOR REPORTING CRIMINAL ACTIONS AND EMERGENCIES

Disruptive Conduct

Any person who intentionally acts to disrupt or interfere with the daily operation of the college will be subject to appropriate disciplinary action by college authorities or law enforcement personnel. According to Policy 21-215 Crime Awareness and Campus Security, the Technical College of the Lowcountry shall be primarily responsible for carrying out the mandates of the Crime Awareness and Campus Security Act of 1990; 20 U.S.C., Section 1092 (f). Disruptive conduct includes, but is not limited to, the following:

1. Violence against any student, employee or guest of the college;
2. Theft or willful destruction of College property or of the property of members of the college;
3. Forcible interference with the freedom of movement of any student, faculty member, other personnel or guest of the college; or
4. Obstruction of the normal processes and activities essential to the functions of the college community.

Violent or Criminal Behavior

1. If you are a victim of or witness to any violent or criminal behavior on campus, AVOID RISKS and take the following steps:
2. Call 911 if there is an immediate threat.
3. Report the incident to the Vice President for Administrative Services at 8333 or 8249 and/or Campus Security at 8301 or 986-6971; at New River Campus Security, 6006 or 812-4115; or at Hampton Campus Security, (803) 943-4262.
4. Provide the following information in your report:
 - Your name, contact number, and location
 - Nature of the incident

- Description of the person(s) involved
 - Description of the property involved, if any.
5. Should gunfire or discharged explosive present a hazard to the campus; exit the building and/or take cover immediately using all available concealment.

Psychological Crisis

A psychological crisis exists when an individual is threatening harm to him/her self or others, or is out of touch with reality due to severe drug reactions or psychotic break.

1. Do not try to handle a situation you feel is dangerous alone.
2. Report the incident to the Vice President for Administrative Services at 8333 or 8249 and/or Campus Security at 8301 or 986-6971; New River Campus Security, 6006 or 812-4115; or Hampton Campus Security, (803) 943-4262
3. Clearly state that you need immediate assistance giving your name, location, and the area involved.
4. In extreme instances, call 911.

Campus Demonstrations

Most campus demonstrations including marches, meetings, picketing and rallies are peaceful and non-obstructive. A student demonstrating should not be disrupted unless one or more of the following conditions exists during the demonstration:

1. **INTERFERENCE** with the normal operations of the college.
2. **PREVENTION** of access to offices, buildings or other college facilities.
3. **THREAT** of physical harm to persons or damage to college facilities. **If any of these conditions exists, contact Security at 8301 and/or the Vice President for Administrative Services at 8333 or 8249.** Notify the off-site campus administrator if applicable. Depending on the nature of the demonstration, the follow appropriate procedures listed below.

Peaceful, Non-Obstructive Demonstration

1. Generally, demonstrations of this kind should not be interrupted. They should not be obstructed or provoked and efforts should be made to conduct college business as normally as possible.
2. If demonstrators are asked to leave but refuse to leave by the regular facility closing time, a) Arrangements will be made by Security to monitor the situation during nonbusiness hours, or b) A determination will be made to treat the violation of regular closing hours as a disruptive demonstration.

Non-violent, Disruptive Demonstration

1. in the event that a demonstration blocks access to college facilities or interferes with the operation of the college.

- a) Demonstrators will be asked to terminate the disruptive activity by the Vice President for Student Affairs or designee.
- b) The Vice President for Student Affairs will contact Public Relations.
- c) Key college personnel and student leaders will be asked by the Vice President for Student Affairs to go to the area and persuade the demonstrators to cease demonstration.
- d) If the demonstrators persist in the disruptive activity, they will be apprised that failure to discontinue the specified action within a determined length of time may result in disciplinary action including suspension or expulsion or possible intervention by law enforcement authorities. The President will be consulted before such disciplinary actions are taken.
- e) Efforts should be made to secure positive identification of the demonstrators, including photographs, if possible.
- f) If the determination is made to seek the intervention of law enforcement authorities, the

demonstrators should be so informed prior to notification.

Violent, Disruptive Demonstrations

The President, the Vice President for Administrative Services, and the Vice President for Student Affairs will determine if there is a need for an injunction. If deemed necessary, the Beaufort City Police Department, the South Carolina Law Enforcement Division (SLED) or other appropriate authorities will be notified.

Emergency Response and Evacuation

The Clery Act requires every Title IV institution, without exception, to have and disclose emergency response and evacuation procedures in response to a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus. TCL's *Emergency Response Plan* is published on the college's website. In addition, this ASR outlines the response procedures for each:

1. Hurricane
2. Tornado
3. Fire
4. Biochemical or radiation spill
5. Explosion, downed aircraft (crash) on campus
6. Bomb
7. Utility Failure
8. Violent or criminal behavior
9. Psychological Crisis

While the Emergency Response Plan does not cover every conceivable situation, it is intended to supply the basic administrative guidelines necessary to cope with most campus emergencies. The college procedures, as stated herein and in the Emergency Response Plan, are expected to be followed by all administrators whose responsibilities and authority cover the operational procedures found in the guide. Campus emergency operations will be conducted within the framework of the college guidelines. Any exception to these crisis management procedures will be conducted by, or with, the approval of those college administrators directing and/or coordinating the emergency operations.

While the plan is specifically applicable to TCL's main campus, the general information and building evacuation procedures are applicable to all locations. The TCL **Emergency Director** will coordinate emergency responses at "off-campus" locations with the director or administrator and local emergency officials. The Emergency Response at each Campus should include **911** reporting and notification of the appropriate Campus Director who will contact local law enforcement and the college's Emergency Director.

The basic emergency procedures outlined in this guide are to enhance the protection of lives and property through effective use of college and campus community resources. Whenever an emergency affecting the campus reaches proportions that **cannot be handled by** routine measures, the President or Vice President for Administrative Services may declare a state of emergency and these contingency guidelines may be implemented. Since an emergency may be sudden and without warning, these procedures are designed to be flexible in order to accommodate contingencies of various types or magnitudes. The procedures described are applicable to almost any disaster.

BOMB THREAT

If you observe a suspicious object or potential bomb on campus, **DO NOT ATTEMPT TO HANDLE THE OBJECT. Any**

person receiving a phone call concerning a bomb threat should solicit as much information as possible from the caller by asking:

1. When is the bomb going to explode?
2. Where is the bomb located?
3. What kind of bomb is it?
4. What does it look like?
5. Why did you place the bomb?

Continue talking to the caller as long as possible and record the following:

1. Time of the call
2. Age and sex of the caller
3. Speech pattern, accent, possible nationality, etc.
4. Emotional state of the caller
5. Background noise

Contact the **Vice President for Administrative Services at 8249 or 8333 or Security at 8301 or 986-6971; New River**, contact the Campus Administrator at 6041 or Security at 6006 or 812-4115; or **Hampton Campus**, contact the campus administrator at (803) 943-4262.

After reporting a bomb threat, walk quickly to the nearest marked exit and alert others to do the same.

ASSIST THE HANDICAPPED IN EXITING THE BUILDING.

1. Once outside, move to a clear area at least 500 feet away from the affected building.
2. Keep streets, fire lanes, hydrants, and walkways clear for emergency vehicles and crews.
3. Do not return to the building until instructed to do so by a college official.

THUNDERSTORMS AND LIGHTNING

1. When a thunderstorm threatens, seek protection from lightning in a large building or an automobile.
2. Avoid use of plug-in electrical equipment during a storm.
3. Avoid use of the telephone, except for emergencies.
4. If you feel your hair stand on end, lightning may be about to strike you. Drop to your knees and bend forward, putting your hands on your knees. Do not lie flat on the ground.
5. If you are in a group in the open, spread out and keep people several yards apart.
6. Stay away from open doors and windows, wire fences, metal pipes and rails.
7. Keep calm. Thunderstorms usually pass in a short time; be cautious, but do not panic.
8. Remember, stay indoors and keep informed.

9. If you are caught outside and cannot reach a building: Seek shelter in a low area under a thick growth of small trees b) Do not stand underneath a tall, isolated tree or utility pole c) In open areas, go to a low place, such as a ditch.

TORNADOS

If a tornado is spotted, the campus may be fortunate enough to have a fifteen (15) minute warning. With this warning, the facility management staff will turn off the electricity and gas service. Individuals should take the following precautions:

1. Seek a hallway or closet and stay away from windows. Use something such as a chair cushion to cover the head.
2. Seek an area away from the west wall or south wall, the direction the tornado will usually approach.
3. Areas affording a measure of protection on the Beaufort campus include the basements of Buildings 1, 2 and 12. If these locations are not readily accessible, consider the options that follow.
 - a) Go to the lowest floor, preferably a basement; do not stay in an elevator. b) Do not seek shelter in the auditorium.
4. Crouch under desks or sturdy furniture and hold on to it. If no furniture is available become a small target, squat low to the ground or floor, place hands on knees with head between them and cover head with a cushion or chair.
5. Do not get in a car, or if in a car, do not try to outrun the tornado. Leave the car and crouch in a ditch.
6. Do not waste time opening windows. Use all available time to seek shelter. Flying debris accounts for many injuries.
7. Do not send students home as there will not be enough time to evacuate.
8. Assist the handicapped.

Extreme Heat

1. Limit your heat exposure by wearing loose-fitting, lightweight, light-colored clothing.
2. Wear a hat with a wide brim to protect your head and neck.
3. Pace yourself while working. Pace yourself to achieve a normal pulse and breathing rate. Do not exceed this pace.
4. Do not wait until you are thirsty to drink.

5. Rest regularly to allow your natural “cooling system” to work. Watch for these signs of heat impairment:) General weariness b) Headache, dizziness or nausea c) Appearance changes, such as red or very pale face d) Rapid heart beat.

If any of these signals occur, stop and relax in the shade and wait for help. Drink plenty of water, **SLOWLY**. Fan or drench your body to avoid possible heat stroke. If the condition persists for any length of time, call

ACCIDENT OR INJURY

1. IMMEDIATELY **DIAL 911**, IF THE INJURIES APPEAR SERIOUS, LIFE THREATENING OR REQUIRE MEDICAL OR EMERGENCY ROOM TREATMENT.
2. Contact Campus Security – See page 1 contacts.
3. If necessary, assist in contacting the injured person’s spouse, parent, or guardian as soon as possible. (For employee information, call Human Resources, Extension **8248** or for student information, call the Registrar’s office, Extension **8210**).
4. If injuries are not serious but may require medical treatment, notify your supervisor or department head and assist the injured person in arranging for medical treatment.
5. A first aid kit is available in each building for cuts, stings, or other minor injuries. **Medication should only be administered under a doctor’s direction.**
6. Report all accidents immediately to your supervisor and the Vice President for Administrative Services (**8249 or 8333**) if during normal business hours of operations. If an accident occurs in the evening, report it immediately the next morning.

OTHER MEDICAL ASSISTANCE -SEIZURES

It is not uncommon on a college campus to be required to give assistance to a person who experiences an epileptic seizure, although professional medical assistance may be required. The following information is provided to assist in meeting the immediate need of the person who may be experiencing a seizure. During a seizure, for just a minute or two, the victim’s brain does not work properly and sends mixed messages to the rest of the body. Once the seizure is over, the brain is working properly again. The entire class or work area may be affected because of the strangeness of unusual behavior or the dramatic suddenness of a seizure. If a seizure occurs, **do the following:**

1. Look for medical identification on the patient. Loosen ties or shirt collars. Turn the patient on their side to keep airway’s clear.
2. Speak calmly and reassuringly to the patient and others.
3. If there are no signs of recovery within a few minutes, **call 911** for medical assistance. Stay with the person until he/she is completely aware of their environment.
4. When the seizure subsides, ask if hospital evaluation is wanted.
5. Offer to obtain help in getting the person home.

Do Not:

1. Put any hard implement in the mouth or attempt to hold their tongue....it cannot be swallowed.
2. Try to give liquids during or just after seizure.
3. Restrain.
4. Shout.

Expect verbal instructions to be obeyed. Reassure the employees or students that what is happening (or has just happened) is not dangerous to them or to the seizure victim. Most seizures last only a few minutes and most seizures occur in persons who have epilepsy. Some physical injuries or illnesses can cause a single seizure. Remain aware of amoral obligation to provide for the safety and security of each employee or student and to protect the rights of the victim not to become a "spectacle".

FIRE PREVENTION PLAN

The primary concern of the fire protection plan is to save lives. The protection of property is secondary. Each employee and student should become familiar with the fire alarm signal, fire extinguisher, evacuation procedures, and be prepared should a fire occur. An evacuation map is located in each building, which shows the proper exit procedures. Smoking is prohibited in all campus buildings, and employees should not smoke outdoors where a hazard from smoking exists.

FIRE ALARMS

Although the Facility Management staff may conduct periodic fire drills, these drills are not a requirement for higher educational institutions. Therefore, it is necessary to regard each fire alarm as a warning of immediate danger and heed the following:

1. On hearing a fire alarm, all occupants must evacuate the building immediately. Each occupant should proceed in an orderly fashion to an exit in accordance with the evacuation plan map.
2. Designated college personnel will escort the fire fighters to the scene as necessary and/or assist in extinguishing small fires.
3. Faculty and other college personnel should ensure that re-entry to a building is **not** permitted until properly authorized by the fire department or college administration.

IN CASE OF A FIRE

1) IF A FIRE IS KNOWN TO EXIST, DO THE FOLLOWING:

- Pull the nearest available fire alarm and **CALL THE LOCAL FIRE DEPARTMENT AT 911.** -
- Call the Business Office/Vice President for Administrative Services at **8249** or **8333** during business hours. After hours, contact the Vice President for Administrative

-Services at (843) 521-7315 or the Director of Facility Management at (843) 521-7431.

USE FIRE EXTINGUISHERS to put the fire out if you can do so without risk of personal injury. CAUTION: NEVER USE A TYPE "A" FIRE EXTINGUISHER TO EXTINGUISH AN ELECTRICAL FIRE BECAUSE IT HAS A LIQUID BASE AND CAN ELECTROCUTE YOU!

- EVACUATE THE BUILDING WHEN TOLD TO DO SO OR WHEN IT IS
- OBVIOUSLY UNSAFE TO REMAIN. DO NOT USE ELEVATORS, BREAK
- WINDOWS, OR OPEN HOT DOORS.
- ONCE OUTSIDE, MOVE TO A CLEAR AREA ATLEAST 500 FEET AWAY
- AND KEEP STREETS AND SIDEWALKS CLEAR FOR EMERGENCY VEHICLES AND CREWS.

2) IF A FIRE IS SUSPECTED, Call the Business Office (Extension **8249**) or Director of Facility Management Extension **8282**). For off campus sites, also notify the campus administrator.

FACILITY MANAGEMENT SAFETY

The Facility Management Department emphasizes safety in the workplace in the following way:

1. Hearing Protection -Earplugs are available and will be worn by all maintenance and custodial workers while engaging in any activities that produce a noise level in excess of normal voice levels.
2. Eye Protection -Safety glasses and goggles are available and will be worn by all maintenance and custodial workers engaged in any activities that produce airborne debris or any chemicals that produce hazardous gases or may splash into the eyes.
3. Electrical Hazards -Properly trained employees will perform all electrical work. When any electrical work is being done, all standard lock out and tagging procedures will be used to ensure that no one can accidentally turn the power on while maintenance is in progress.
4. Safe Driving -All employees operating a college vehicle should drive in a safe manner, wear seat belts, watch out for other maintenance employees, students, faculty and staff and be in compliance with all vehicle regulations.
5. Safety Shoes -Moving and lifting heavy objects is a regular occurrence in the maintenance and custodial departments. It is recommended that employees wear steel toe safety shoes or boots while working in areas exposed to any potential risk.
6. Safety Inspection -Conduct routine safety inspection of equipment, tools, mowers, boilers, etc.

UTILITY FAILURE

In case of a utility failure, contact the **Director of Facility Management directly at 8282 or via the Vice President for Administrative Services at 8249 or 8333**. The Director of Facility Management has emergency contact with all local utility providers who can generally respond quickly to meet most utility problems.

ELECTRICAL:

1. Remain calm.
2. Provide assistance to visitors and staff in your immediate area. Don't let patrons go down dark stairs alone.
3. If you are in an unlit area, proceed cautiously to an area that has emergency or natural light.
4. If you are in an elevator, stay calm. Use the intercom or emergency button.
5. If instructed, evacuate the building.

GAS LEAK:

1. The college heats some of the buildings with gas. If a gas leak is suspected, please notify the Director of Facility Management immediately. The Facility Management Staff are immediately available to help minimize damage or danger resulting from any failures.
2. If a gas rupture is evident, evacuate the building immediately.

Student Safety Responsibilities

Students are to be furnished safeguards to reduce or eliminate accidents and injuries. Faculty or other college personnel will properly orient students who work or study in areas where accidents are more likely to happen (i.e., labs) to the dangers associated with their specific area (i.e., tools, chemicals, etc.). Students are required to receive immunization shots as deemed necessary by their curriculum. Shoes must be worn while on campus. Sandals or footwear exposing the feet are not permissible during activities requiring foot protection, such as chemical laboratory work, shop work, etc. Some educational activities often require students to wear gloves, aprons, or protective clothing and other safety devices to protect against spilling of harmful liquids, vapors, and dusts. The appropriate devices, clothing or equipment must be available for students before participating in activities requiring safety items. Faculty will orient students in safety procedures and students are expected to utilize safety devices properly.

Procedures for Reacting to Some Potential Disasters

While this manual does not cover all situations that could possibly occur, some of the procedures to follow are standard in reacting to some disasters. Such other disasters as hurricanes, bomb threats, tornadoes, and plane crashes are covered in the ***TCL Emergency Response Plan***.

TCL Campus Security Guide

The college publishes a pamphlet entitled **Campus Safety and Security Guide** that gives an annual crime report. A copy of this pamphlet is available in various campus locations including Public Relations Office, Student Records Office, Student Affairs Office, Dean of Students Office. A copy is also given to new students each term at registration or orientation. The college does not tolerate drug and alcohol use, illegal or violent behavior, nor weapons or firearms on campus. Policies and procedures are in place regarding their restriction on campus.

Personal Possessions on College Property

The College insurance program does not cover personal possessions on college property. Therefore, individuals should take measures to ensure the security of all their personal items. TCL assumes no liability for those items.

Emergency Procedures & Reporting

During regular business hours, accidents, crimes and/or other incidents may be reported directly to the college's Business Office at (843) 525-8249. This office maintains communication with campus security, local police offices, and other emergency response agencies and will contact them as needed. However, should an incident involving

personal injury, fire, or other threat of injury or personal safety require immediate attention, dial 911. If dialing from a campus phone, dial 9 then 911. After dialing 911, report the incident to Campus Security, the business office, or the nearest college official/ instructor as soon as possible.

TECHNICAL COLLEGE OF THE LOWCOUNTRY TELEPHONE NUMBERS

After a Crime is Reported

- A security guard and/or college official will interview the victim and known witnesses.
- Reports of crimes such as murder, rape, robbery, aggravated assault, burglary, motor vehicle theft, liquor law violations, drug abuse violations and weapons will be reported to the appropriate authority having jurisdiction.
- The Campus Security Office will prepare and maintain an Incident Report. Copies of the report will be forwarded to the Vice President of Administrative Services, Vice President for Student Affairs, the Learning Resource Center, and the Office of Public Relations.
- When it becomes known that an independent report has been filed with a local law enforcement office by a victim, the Business Office will acquire a copy, when possible, and attach it to the Campus Security Office report. The information will be reported as detailed in step three above.

BEAUFORT CAMPUS	TCL Telephone / Extension	External Phone
Vice President for Administrative Services		
(Business Office)	8249	(843) 525-8249
Security Office	8301	(843) 525-8301
Security	(843) 986-6971	(843) 986-6971
Facility Management	8282	(843) 525-8282
Campus Receptionist	8211	(843) 525-8211
Vice President for Student Affairs		
Title IX Coordinator	(843) 525-8226	(843) 525-8226
NEW RIVER CAMPUS		
Campus Administrator	6041	(843) 470-6041
Security Office	6006	(843) 470-6006
Security	(843) 812-4115	(843) 812-4115
Title IX Coordinator	(843) 525-8226	(843) 525-8226
HAMPTON CAMPUS		
Administrative Support	(803) 943-4262	(803) 943-4262
Title IX Coordinator	(843) 525-8226	(843) 525-8226

Student, Employee, Visitor/Guest Responsibilities

The cooperation and involvement of students, employees, and visitors/guests in a campus safety program is essential. All individuals are encouraged to take necessary precautions to protect themselves from injury, theft, or personal injury while on campus. The following precautions are recommended:

- When possible, individuals should walk in groups of two or more.
- When possible, individuals should walk in well-lit areas when it is dark.
- Individuals should keep all of their personal belongings in a secure location.
- Vehicles should be locked at all times.
- When possible, park in lighted areas after dark. Before vehicle entry, check the rear seat(s). Upon entry, secure (lock) the doors.
- Obey all traffic and parking signs and regulations.
- Obtain and make readily available a parking decal and TCL identification card.

Support for Victims

The college, through Campus Security and various departments, will provide reasonable immediate support to victims of on-campus crimes. Long-term support and/or counseling services may be provided through referrals to external agencies. Students may file complaints and grievances with the Vice President for Student Affairs. The college will begin response and disciplinary procedures as outlined in the college's catalog and student handbook. Should a victim choose to press charges with a local law enforcement agency, the college will follow due process in administering its disciplinary procedures. With the consent of the victim, referrals to appropriate external support agencies will be made.

TIMELY WARNINGS

Activation: When does the College issue Timely Warnings?

The Technical College will make timely warnings to the college community regarding crimes considered to be a serious or continuing threat to students, faculty, staff, and visitors when reported to Campus Security or when notified by local law enforcement or when it may aid in the prevention of similar occurrences. A warning may not be issued if it would compromise safety or impede efforts to assist victim(s), or contain, respond to, or mitigate the emergency. This includes but is not limited to: murder and non-negligent manslaughter, negligent manslaughter, sex offenses (forcible & non-forcible), robbery, aggravated assault, burglary, motor vehicle theft, and arson. Although the college is not required to provide notification for non-Clery Act crimes, it may if the crime is considered to pose a serious or continuing threat to the TCL community. The following factors and circumstances will be considered when issuing a timely warning: the nature of the crime; the continuing danger to the campus community; and the possible risk of compromising law enforcement efforts. When determining the content of the warning, the college will include as many available details as possible, including: type of alert; location; suspect(s) description; incident summary; and any information that promotes safety and aids in the prevention of similar crimes.

Dissemination of Timely Warnings: Available Communications Media

The Emergency Alert System includes the following notification components:

- **EAS MOBILE:** Text and/or voice messages sent to cell/home phones, PDAs, etc. (Students/employees must subscribe to receive messages. See directions below.) To subscribe to EAS go to the TCL EAS log-in page: <http://www.tcl.edu/current-students/text-alert>. While there is no charge to subscribe to EAS, your cell phone provider may charge a fee for delivery of text messages based on your calling plan.
- **EAS E-MAIL:** E-mail alerts sent to e-mail accounts. (Students/employees are automatically enrolled to receive EAS e-mail at their college e-mail account. Students/employees must subscribe to have messages sent to a personal e-mail account.) Campus-wide e-mail notifications are labeled with "CAMPUS-ALERT" in the header.
- **EAS CAMPUS:** Audible and/or text alerts sent to campus telephones located in classrooms and offices.
- **EAS WEB:** Alerts posted on TCL's Web site <http://www.tcl.edu/emergency>, Follow us on Facebook <<http://www.facebook.com/pages/Technical-College-of-the-LowcountryTCL/117799044487?ref=s>> and Twitter <http://twitter.com/T_C_L>.
- **EAS MEDIA: ALERTS** sent to local media outlets (radio, television, newspaper).
- The Vice President of Student Affairs or his/her designee will be responsible for authorizing and issuing timely warnings, on behalf of the college. Timely warnings will often ask members of the TCL community for their help in gathering information about an incident or in identifying those responsible.

CRIME INFORMATION

Included Crimes

The *Clery Act* requires TCL to disclose three general categories of crime statistics: 1) criminal offenses 2) Hate Crimes, and 3) arrests and referrals for disciplinary action. Criminal Offenses include criminal homicide, sex offenses, burglary, motor vehicle theft, and arson. Hate Crime include any of the above-mentioned offenses, and any incidents of larceny-theft, simple assault, intimidation, or destruction/damage/vandalism of property that were motivated by bias of race, gender, disability, religion, sexual orientation, nationality, or age. Arrests and referrals for disciplinary action for weapons including carrying, possessing, etc., drug abuse violations, and liquor law violations.

Excluded Crimes

Per *Clery Act*, TCL does not report non-*Clery* crimes, unfounded crimes, crimes that are committed outside of geographic locations specified by the *Clery Act*. Unfounded crimes are those crimes that when investigated by law enforcement authorities were found to be false or baseless. Only sworn or commissioned law enforcement personnel may “unfound” a crime. (This does not include a district attorney who is sworn or commissioned.) Note that the recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution or the failure to make an arrest does not “unfound” a legitimate offense. Also, the findings of a coroner, court, jury or prosecutor do not “unfound” offenses or attempts that law enforcement investigations establish to be legitimate.

SEXUAL OFFENSES

This section of the ASR is dedicated to the disclosure of Title IX Sexual Harassment and discrimination. It discusses the various sexual offenses, reporting, and how the college responds to known sexual offenses related to domestic violence, dating violence, and stalking.

The College publishes this information pertaining to Title IX on its website at <http://www.tcl.edu/current-students/title-ix-sexual-harassment-and-discrimination> and in its online [Student Handbook](#).

Overview – What is Title IX

Title IX is a federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity. All federal agencies that provide funding for any education or training programs have new responsibilities in ensuring that their recipients comply with the nondiscrimination mandate of Title IX and its procedural requirements by establishing a method for receiving and resolving sex-based discrimination complaints.

Who is protected?

Title IX protects students, employees, applicants for admission and employment for all forms of sex discrimination, including discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity. All students are protected – regardless of their sex, sexual orientation, gender identity, part-or full-time status, disability, race, or national origin – in all aspects of a recipient’s education programs and activities.

Confidentiality

Confidentiality will always be maintained to the fullest extent possible. However, confidentiality of the allegation and identity of the complainant cannot be guaranteed because fairness to the individual accused must be considered, as well as, the safety and welfare of all members of the college community and may require the disclosure of the allegation and identity of the complainant to the community.

Local, State, and National Resources

- Hope Haven of the Lowcountry, Beaufort, SC (Rape Crisis) 843-525-6699
- CODA Beaufort, SC Victims of Domestic Violence, 843-770-1070
- SC Coalition Against Domestic Violence & Sexual Assault 803-256-2900
- DoD Safe Helpline (Military) 877-995-5247

Student Code Procedures for Addressing Alleged Acts of Sexual Violence and Sexual Harassment See Student Handbook

- Title IX Coordinator: Nancy H Weber, Vice President for Student Affairs, nweber@tcl.edu, 843-525-8226
- Title IX Deputy Coordinator: Rodney Adams, Dean of Students, dadams@tcl.edu, 843-525-8219
- Title IX Deputy Coordinator: Sona Lyttle, Director Human Resources, slyttle@tcl.edu, 843-525-8248

Definition of Terms

SEXUAL ASSAULT is defined as any physical contact of a sexual nature which occurs against a person's will and/or without a person's consent.

DATING VIOLENCE means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

STALKING means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

DOMESTIC VIOLENCE is a crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, or by a person similarly situated to a spouse of the victim.

Sexual Assault Prevention Measures

TCL is concerned with the safety of students and employees. To keep the campus and off-campus centers safe, being aware of the surroundings is important, especially at night. Below are some important and easy to follow measures that everyone can practice.

Contact the Campus Security Office to request an escort if you sense any danger.

- It is advisable to have this number programmed into your cell phone for quick access. Beaufort Campus (843) 525-8301 Security Cell Phone – Beaufort Campus (843) 986-6971 Hampton Campus (main number) (803) 943-4262 New River Campus (843) 470-6006 Security Cell Phone – New River Campus (843) 812-4115 Dial "911" for any emergency (9-911 from a campus phone) If you do not have a cell phone, be aware of telephone locations in case of an emergency.
- Avoid being in classrooms or office buildings alone. If you must be there, notify a Campus Security Officer of where you are and how long you will be there. Stay near a telephone, if possible.

- Report any suspicious person or activity to a Campus Security Officer, whatever the time, day, or night.
- Vary your routine. Do not walk the same route day-after-day.
- When walking, be alert. Listen for footsteps and voices to be sure no one is following you.
- Avoid unlit areas. Whenever possible, walk and park in well-lit public areas.
- Always lock the doors in your car, room, apartment, or house.
- Keep the car doors locked even when you are driving.
- When walking to your car, have your car keys in your hand before leaving the building.

Reporting a Sexual Assault

If a student is sexually assaulted at the Technical College of the Lowcountry (including off-campus centers or college-sponsored events), he/she should:

If on campus, the victim should call TCL's Security immediately to report the incident. If off campus, the victim should call the local emergency medical service immediately by dialing "911." ☐ If the victim prefers not to call the police, but wants to report the sexual assault to the college, the victim should contact any one of the following:

1. Vice President of Student Affairs / Title IX Coordinator Nancy Weber (843) 525-8226 Dean of Students/Assistant Academic Program Rodney Adams (843) 525-8219
2. Director/ Title IX Deputy Director of Human Resources/ Title IX Deputy Sona Lyttle (843) 525-8248

These individuals will assist you in notifying the above authorities upon request.

Campus Security Office Procedures

When a student notifies the TCL Security of a sexual assault, the following will occur:

- Campus Security will respond to the location on campus, ensure that the student is safe, and provide the student with emergency medical assistance.
- Campus Security will protect the crime scene, contact the local law enforcement agency, if necessary, and assist in the preservation of evidence. If the student requests to speak to a male or female officer, the law enforcement agency will make every reasonable effort to accommodate the request.
- Campus Security will call Student Affairs, and Student Affairs personnel staff may report to the scene to assist as needed. Campus Security/Student Affairs will make arrangements for appropriate transportation to a medical facility, if desired.
- Campus Security or a Student Affairs representative will contact other assistance agencies on the student's behalf, upon request, such as the Hope Haven of the Lowcountry at (843) 524-2256 or 6699 ☐ The case will be treated with sensitivity, understanding, and professionalism regardless of gender or the gender of the accused, and names will not be released to the public or the press.
- When the Title IX Coordinator or Deputy Coordinators are informed of a sexual assault or other incident including domestic violence, stalking, or interpersonal rape, the following will occur:
- The Title IX representative will take all necessary measures to provide immediate assistance e.g. medical, etc. if the situation warrants. Any information provided will be kept confidential and only shared on a need-to-know basis with appropriate college personnel.
- The alleged victim's rights and responsibilities will be explained by the coordinator. The alleged victim may be asked to provide a written statement of the incident. The Title IX Coordinator will determine if an investigation is needed.

- If an investigation is needed either the coordinator or one of the deputy coordinators will conduct the investigation.

Disciplinary Procedures

The College publishes its disciplinary procedures on its website at [Student Code](http://catalog.tcl.edu/content.php?catoid=1&navoid=21&hl=%22Disciplinary+%22&returnto=search#StudentCode) at <http://catalog.tcl.edu/content.php?catoid=1&navoid=21&hl=%22Disciplinary+%22&returnto=search#StudentCode>.

The Student Code for South Carolina Technical Colleges sets forth the rights and responsibilities of the individual student, identifies behaviors that are not consistent with the values of college communities, and describes the procedures that will be followed to adjudicate cases of alleged misconduct, except cases of alleged acts of sexual violence and sexual harassment. Cases of alleged acts of sexual violence and sexual harassment will be adjudicated through SBTCE procedure 3-2-106.2. This Code applies to behavior on college property, at college-sponsored activities and events, and to off-campus behavior that adversely affects the college and/or the college community. The Code applies to all students from the time of applying for admission through the awarding of a degree, diploma, or certificate. Technical/community college students are members of both the community at large and the academic community. As members of the academic community, students are subject to the obligations that accrue to them by virtue of this membership. As members of a larger community, students are entitled to all rights and protections accorded them by the laws of that community, the enforcement of which is the responsibility of duly constituted authorities. If a student's alleged behavior simultaneously violates college regulations and the law, the college may take disciplinary action independent of that taken by legal authorities. When it has been determined that a student violated a federal, state, or local law, college disciplinary action may be initiated only when the presence of the student on campus will disrupt the educational process of the college. When a student's alleged violation of the law, whether occurring on campus or off campus, may adversely affect the college's pursuit of its educational objectives or activities, the college

STUDENT DISCIPLINARY PROCEDURES

The procedures and sanctions that follow are designed to channel faculty, staff or student complaints against students, except for those complaints alleging acts of sexual violence or sexual harassment which are processed under SBTCE procedure 3-2-106.2. Because due process is essential in dealing with infractions of college regulations, any disciplinary actions taken and sanctions imposed on a student or student organization will follow the provisions of this code.

Sex Offenders Registry

The Campus Crimes Prevention Act (Public Law 106-386) requires tracking of convicted sex offenders enrolled at or employed by institutions of higher education. The Sex Offender Registry is available to the public at <http://www.sled.state.sc.us>.

Crime Statistics

Annual crime statistics are available to students, applicants for admissions, applicants for employment, and employees as required by the Crime Awareness on Campus Security Act. In the table below, crime statistics are shown for the past four years. Information is an aggregate of Beaufort, Hampton, and New River Campuses.

Crime Report January - December				
<i>CRIMINAL OFFENCES</i>	2011	2012	2013	2014
Murder/Non-negligent Manslaughter	0	0	0	0
Sexual Abuse	0	0	0	0
Forcible Sex Offenses	0	0	0	0
Non-forcible Sex Offenses	0	0	0	0
Robbery	0	0	0	0
Aggravated Assault	0	0	0	0
Burglary	0	1	0	0
Motor Vehicle Theft	0	0	0	0
Arson	0	0	0	0
Negligent Manslaughter	0	0	0	0
<i>HATE CRIMES</i>	2011	2012	2013	2014
Murder/Non-negligent Manslaughter	0	0	0	0
Manslaughter	0	0	0	0
Negligent Manslaughter	0	0	0	0
Sexual Abuse	0	0	0	0
Forcible Sex Offenses	0	0	0	0
Non-forcible Sex Offenses	0	0	0	0
Robbery	0	0	0	0
Aggravated Assault	0	0	0	0
Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	0
Arson	0	0	0	0
Any Other Crime Involving Bodily Injury	0	0	0	0
<i>ARRESTS ON-CAMPUS</i>	2011	2012	2013	2014
Liquor Law	0	0	0	0
Drug Abuse	0	0	0	0
Weapon Violation	0	0	0	0
Liquor Law Violations	0	0	0	0
Drug Law Violations	1	0	0	0
Illegal Weapons Possessions	1	0	0	0
<i>VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013</i>	2011	2012	2013	2014
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
Stalking Incidents	0	0	0	0

Campus Maps

GEOGRAPHY AND CAMPUS LOCATIONS

TCL's service area is comprised of four South Carolina counties: 1) Beaufort County, 2) Colleton County, 3) Hampton County, and 4) Jasper County. The college has three campuses: 1) Beaufort Main Campus in Beaufort County 2) Hampton Campus in Hampton County; and 3) New River Campus in Jasper County.

Beaufort Main Campus 921 Ribaut Road, Beaufort, S.C



Hampton Campus H. Mungin Center, 54 Tech Circle, Varnville



New River Campus 100 Community, College Drive, Bluffton,



STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION

PROCEDURE

PROCEDURE NUMBER: 3-2-106.1

PAGE: 1 of 16

TITLE: THE STUDENT CODE FOR THE SOUTH
CAROLINA TECHNICAL COLLEGE SYSTEM

**POLICY
REFERENCE NUMBER:** 3-2-106

**DIVISION OF
RESPONSIBILITY:** ACADEMIC AFFAIRS

DATE OF LAST REVISION: August 4, 2015

DATE APPROVED: August 13, 2015

GENERAL PROVISIONS

I. Purpose

The Student Code for South Carolina Technical College System sets forth the rights and responsibilities of the individual student, identifies behaviors that are not consistent with the values of college communities, and describes the procedures that will be followed to adjudicate cases of alleged misconduct, except cases of alleged acts of sexual violence and sexual harassment. Cases of alleged acts of sexual violence and sexual harassment will be adjudicated through SBTCE procedure 3-2-106.2 or SBTCE procedure 8-5-101.1. This Code applies to behavior on college property, at college-sponsored activities and events, and to off-campus behavior that adversely affects the college and/or the college community.

The Code applies to all students from the time of applying for admission through the awarding of a degree, diploma, or certificate.

II. Principles

Technical/community college students are members of both the community at large and the academic community. As members of the academic community, students are subject to the obligations that accrue to them by virtue of this membership.

As members of a larger community, students are entitled to all rights and protections accorded them by the laws of that community, the enforcement of which is the responsibility of duly constituted authorities. If a student's alleged behavior simultaneously violates college regulations and the law, the college may take disciplinary action independent of that taken by legal authorities.

When it has been determined that a student violated a federal, state, or local law, college disciplinary action may be initiated only when the presence of the student on campus will disrupt the educational process of the college.

When a student's alleged violation of the law, whether occurring on campus or off campus, may adversely affect the college's pursuit of its educational objectives or activities, the college may enforce its own regulations through this Student Code.

III. Solutions of Problems

The college will first seek to solve problems through internal review procedures. When necessary, off-campus law enforcement and judicial authorities may be involved.

In situations where South Carolina Technical/Community Colleges have shared programs, the Chief Student Services Officer where the alleged violation of the Student Code for the South Carolina Technical College System occurred will handle the charges. A change of venue to the other college may be granted, based on the nature of the offense, provided it is agreed to by the Chief Student Services Officers of both colleges. Any sanctions imposed will apply across both colleges.

In situations where a student is dually enrolled in two or more South Carolina Technical/Community Colleges and is charged with a violation of the Student Code for the South Carolina Technical College System, the Chief Student Services Officer of the college where the alleged infraction occurred will handle the charges and the sanctions may apply at each college in which the student is enrolled.

IV. Definitions

When used in this document, unless the content requires other meaning,

- A. "College" means any college in the South Carolina Technical College System.
- B. "President" means the chief executive officer of the college.
- C. "Administrative Officer" means anyone designated at the college as being on the administrative staff such as President, Vice President, Dean of Students or Student Services, Chief Academic Officer, Dean of Instruction, or Business Manager.
- D. "Chief Student Services Officer" means the Administrative Officer at the College who has overall management responsibility for student services, or his/her designee.
- E. "Chief Academic Officer" means the Administrative Officer at the College who has overall management responsibility for academic programs and services, or his/her designee.
- F. "Student" means a person taking any course(s), credit or non-credit, offered by the college.
- G. "Instructor" means any person employed by the college to conduct classes.
- H. "Staff" means any person employed by the college for reasons other than conducting classes.

- I. "SGA" means the Student Government Association of the college or other group of students convened for the purpose of representing student interests to the college's administration or in the college's governance system.
- J. "Campus" means any place where the college conducts or sponsors educational, public service, or research activities.
- K. "Violation of Law" means a violation of a law of the United States or any law or ordinance of a state or political subdivision which has jurisdiction over the place in which the violation occurs.
- L. "Instructional Weekday" means any day except Saturday, Sunday, or any other day on which the college is closed.

STUDENT CODE

I. Student Rights

- A. Freedom from Discrimination--There shall be no discrimination in any respect by the college against a student, or applicant for admission as a student, based on race, color, age, religion, national origin, sex or disability.
- B. Freedom of Speech and Assembly- -Students shall have the right to freedom of speech and assembly without prior restraints or censorship subject to clearly stated, reasonable, and nondiscriminatory rules and regulations regarding time, place, and manner developed and approved by the college.

In the classroom and in other instructional settings, discussion and expression of all views relevant to the subject matter -are recognized as necessary to the educational process, but students have no right to interfere with the freedom of instructors to teach or the rights of other students to learn.

- C. Freedom of the Press--In official student publications, students are entitled to the constitutional right of freedom of the press, including constitutional limitations on prior restraint and censorship. To ensure this protection, the college shall have an editorial board with membership representing SGA, faculty, and administration. Each college has the responsibility of defining the selection process for its editorial board. The primary responsibility of the board shall be to establish and safeguard editorial policies.
- D. Freedom from Unreasonable Searches and Seizures--Students are entitled to the constitutional right to be secure in their persons, dwellings, papers, and effects against unreasonable searches and seizures. College security officers or administrative officers may conduct searches and seizures only as authorized by law.
- E. Right to Participate in College Governance--Students should have the opportunity to participate on college committees that formulate policies directly affecting students, such as in the areas of student activities and student conduct. This participation may be coordinated through a Student Government Association whose constitution or bylaws have been approved by the college's area commission.

- F. Right to Know Academic and Grading Standards--Instructors will develop, distribute, explain, and follow the standards that will be used in evaluating student assignments and determining student grades.

Grades are awarded for student academic performance. No grade will be reduced as a disciplinary action for student action or behavior unrelated to academic conduct.

- G. Right to Privacy--Information about individual student views, beliefs, and political associations acquired by instructors, counselors, or administrators in the course of their work is confidential. It can be disclosed to others only with prior written consent of the student involved or under legal compulsion.
- H. Right to Confidentiality of Student Records--All official student records are private and confidential and shall be preserved by the college. Separate record files may be maintained for the following categories: (1) academic, (2) medical, psychiatric and counseling, (3) placement, (4) financial aid, (5) disciplinary, (6) financial, and (7) veteran's affairs. In addition, disciplinary records are maintained by the Chief Student Services Officer.

Student education records will be maintained and administered in accordance with the Family Educational Rights and Privacy Act of 1974, the guidelines for the implementation of this act, and other applicable federal and state statutes and regulations.

- I. Right to Due Process--At a minimum, any student charged with misconduct under this code is guaranteed the following: 1) the right to receive adequate notice of the charge(s); 2) the right to see and/or hear information and evidence relating to the charge(s), and 3) the right to present information and evidence relating to the charge(s). Additional due process requirements will be identified in other sections of this Code.

II. Student Responsibilities

- A. Students are expected to conduct themselves in a manner that is civil, that is respectful of the rights of others, and that is compatible with the college's educational mission.
- B. Students are expected to comply with all of the college's duly established rules and regulations regarding student behavior while on campus, while participating in off-campus college sponsored activities, and while participating in off-campus clinical, field, internship, or in-service experiences.
- C. Students are expected to comply with all course requirements as specified by instructors in course syllabi and to meet the standards of acceptable classroom behavior set by instructors. Instructors will announce these standards during the first week of classes. If a student's behavior disrupts class or jeopardizes the health, safety, or well-being of the student or others, the instructor will speak with the student regarding the disruption. If the unacceptable conduct or disruption continues, the instructor may dismiss the student for the remainder of the class period.

Further disruption(s) by the student may result in a second dismissal and a written referral to the Chief Student Services Officer. This written referral may result in the initiation of disciplinary action against the student.

III. Student Conduct Regulations

The following list identifies violations for which students may be subject to disciplinary action. The list is not all inclusive, but it reflects the categories of inappropriate behavior and provides examples of prohibited behaviors.

A. Academic Misconduct

All forms of academic misconduct including, but not limited to, cheating on tests, plagiarism, collusion, and falsification of information may call for disciplinary action.

1. Cheating on tests is defined to include the following:
 - a) Copying from another student's test or answer sheet.
 - b) Using materials or equipment during a test not authorized by the person giving the test.
 - c) Collaborating with any other person during a test without permission.
 - d) Knowingly obtaining) using, buying, selling, transporting, or soliciting in whole or in part the contents of a test prior to its administration.
 - e) Bribing or coercing any other person to obtain tests or information about tests.
 - f) Substituting for another student, or permitting any other person to substitute for oneself.
 - g) Cooperating or aiding in any of the above.
2. "Plagiarism" is defined as the appropriation of any other person's work and the unacknowledged incorporation of that work in one's own work.
3. "Collusion" is defined as knowingly assisting another person in an act of academic dishonesty.
4. "Fabrication" is defined as falsifying or inventing information in such academic exercises as reports, laboratory results, and citations to the sources of information.

B. Abuse of Privilege of Freedom of Speech or Assembly

No student acting alone or with others, shall obstruct or disrupt any teaching, administrative disciplinary, public service, research, or other activity authorized or conducted on the campus of the college or any other location where such activity is conducted or sponsored by the college. This disruption does not necessarily have to involve violence or force for the student to face disciplinary actions. In addition to administrative action, any person in violation of any federal, state, or local law will be turned over to the appropriate authorities.

C. Falsification of Information and other Acts Intended to Deceive

Falsification of information and other acts intended to deceive include, but are not limited to the following:

1. Forging, altering, or misusing college documents, records, or identification cards.
2. Falsifying information on college records.
3. Providing false information for the purpose of obtaining a service.

D. Actions which Endanger Students and the College Community

Actions which endanger students and the college community include, but are not limited to the following:

1. Possessing or using on campus a firearm or other dangerous or potentially dangerous weapon unless such possession or use has been authorized by the college.
2. Possessing or using any incendiary device or explosive unless such possession or use has been authorized by the college.
3. Setting fires or misusing or damaging fire safety equipment.
4. Using, or threatening to use, physical force to restrict the freedom of action or movement of others or to harm others.
5. Endangering the health, safety, or wellbeing of others through the use of physical, written, or verbal abuse, threats, intimidation, harassment, and coercion.
6. Sexual violence, which refers to physical sexual acts perpetrated against a person's will or when a person is incapable of giving consent. Cases of alleged acts of sexual violence will be adjudicated through SBTCE procedure 3-2- 106.2.
7. Retaliating, or threatening to retaliate, against any person for filing a complaint, providing information relating to a complaint, or participating as a witness in any hearing or administrative process.

E. Infringement of Rights of Others

Infringement of rights of others is defined to include, but is not limited to the following:

1. Stealing, destroying, damaging, or misusing college property or the property of others on campus or off campus during any college activity.
2. Sexually harassing another person. In addition to sexual violence, sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal , or physical conduct of a sexual nature, when submission to such conduct is made a term or condition of a student's education, a basis for academic conditions affecting the student, or the conduct is sufficiently serious to interfere with the student's academic performance or otherwise deny or limit the student's ability to participate in any aspect of the college's program, thereby creating an intimidating or hostile learning environment. Cases of alleged acts of sexual harassment will be adjudicated through SBTCE procedure 3-2-106.2 or SBTCE procedure 8-5-101.1.
3. Stalking, which is defined as engaging in a course of conduct, through physical, electronic, or other means, that would place a reasonable person in fear for his/her safety, or that has, in fact, placed an individual in such fear. Where the stalking is based on sex, race, national origin, color, age, religion or disability, it may constitute harassment under other provisions of this Code.

4. Bullying or harassing conduct, including verbal acts and name calling; graphic and written statements, which may include the use of cell phones, the internet, or other electronic devices; and other conduct that may be physically harmful, threatening, or humiliating. Bullying or harassment based on race, national origin, color, age, sex, religion, or disability will be a violation of the Code when it is a basis for academic decisions affecting the student or the conduct is sufficiently serious to interfere with the student's academic performance or otherwise deny or limit the student's ability to participate in any aspect of the college's program, thereby creating an intimidating or hostile learning environment.
5. Engaging in any activity that disrupts the educational process of the college, interferes with the rights of others, or adversely interferes with other normal functions and services.

F. Other Acts which Call for Discipline

Other acts which call for discipline include, but are not limited to the following:

1. Possessing, using, or distributing any narcotics or other unlawful drugs as defined by the laws of the United States or the State of South Carolina.
2. Possessing, using, or distributing on campus any beverage containing alcohol.
3. Violating institutional policies while on campus or off campus when participating in a college sponsored event or activity.
4. Violating any South Carolina and/or federal laws while on campus or off-campus when participating in a college sponsored event or activity.

IV. Student Disciplinary Procedures

The procedures and sanctions that follow are designed to channel faculty, staff or student complaints against students, except for those complaints alleging acts of sexual violence or sexual harassment which are processed under SBTCE procedure 3-2-106.2 or SBTCE procedure 8-5-101.1. Because due process is essential in dealing with infractions of college regulations, any disciplinary actions taken and sanctions imposed on a student or student organization will follow the provisions of this code.

A. Interim Suspension

In certain situations, the President, or President's designee, may temporarily suspend a student before the initiation of disciplinary procedures. Interim suspension may only be imposed when there is reason to believe that the continued presence of the accused student at the college poses a substantial and immediate threat to the student or to others or poses a serious threat of disruption of, or interference with, the normal operations of the college.

The interim suspension process follows:

1. The President, or President's designee, shall notify the Chief Student Services Officer in writing about the nature of the alleged infraction, a brief description of the incident(s) and the student's name before 5:00 pm of the first class day following the decision to impose the

interim suspension.

2. The Chief Student Services Officer, or designee, will inform the student, in writing, about the decision to impose an interim suspension. This notice must either be hand delivered to the student, sent by e-mail, or sent by certified mail to the student's address of record within two (2) instructional weekdays of receiving the information from the President, or designee. If sent by e-mail, a letter sent by certified mail to the student's last known address must still be mailed within two (2) instructional weekdays of receiving the information from the President, or designee.

This letter must include the following information:

- a) the reason(s) for the interim suspension;
- b) notice that the interim suspension does not replace the regular hearing process;
- c) information about requesting a hearing before the Hearing Committee; and
- d) notice that the student is denied access to the campus during the period of suspension without prior approval of the Chief Student Services Officer.

B. Academic Misconduct

1. An instructor who has reason to believe that a student enrolled in his/her class has committed an act of academic misconduct must discuss the matter with the student. The instructor must advise the student of the alleged act of academic misconduct and the information upon which it is based. The student must be given an opportunity to refute the allegation. If the student chooses not to participate in the discussion, the instructor will make a decision based upon the available information.
2. If the instructor, after meeting with the student, determines that the student has engaged in academic misconduct as alleged, the instructor will inform the student about the decision and the academic sanction that will be imposed. The instructor may impose one of the following academic sanctions:
 - a) Completion of an educational activity relating to the nature of the offense.
 - b) Assign a lower grade or score to the paper, project, assignment or examination involved in the act of misconduct.
 - c) Require the student to repeat or resubmit the paper, project, assignment, or examination involved in the act of misconduct.
 - d) Assign a failing grade for the course.
 - e) Require the student to withdraw from the course.
3. If the student is found responsible for the academic misconduct, within five (5) instructional weekdays of the meeting with the student, the instructor will submit a written report about the incident and the sanction imposed to the Chief Academic Officer.
4. The Chief Academic Officer, or designee, will send a letter to the student summarizing the incident, the finding, the terms of the imposed sanction, and informing the student that he/she may appeal the decision and/or the sanction by submitting a written request to the Chief Academic Officer within seven (7) instructional weekdays of the date of the Chief Academic Officer's letter.

5. If the student requests an appeal, the Chief Academic Officer, or designee, will send a certified letter to the student's address of record. This letter must contain the following information:
 - a) a restatement of the charge(s);
 - b) the time, place, and location of the appeal;
 - c) a list of witnesses that may be called; and
 - d) a list of the student's basic procedural rights. These rights follow:
 - 1) The right to consult with counsel. The role of the person acting as counsel is solely to advise the student. Counsel may not participate in any of the questioning or make any statements on behalf of the student. The student will be responsible for paying any fees charged by his/her counsel.
 - 2) The right to present witnesses on one's behalf.
 - 3) The right to present evidence and notice that the Chief Academic Officer, or designee, may determine what evidence is admissible.
 - 4) The right to know the identity of the person(s) bringing the charge(s).
 - 5) The right to hear witnesses on behalf of the person bringing the charges.
 - 6) The right to testify or to refuse to testify without such refusal being detrimental to the student.
 - 7) The right to appeal the decision of the Chief Academic Officer to the President.
 - e) A statement informing the student that the sanction imposed by the instructor will be held in abeyance pending the outcome of the appeal.
6. On the basis of the information presented at the appeal, the Chief Academic Officer, or designee, will render one of the following decisions:
 - a) Accept the decision and the sanction imposed by the instructor.
 - b) Accept the instructor's decision but impose a less severe sanction.
 - c) Overturn the instructor's decision.

Within two (2) instructional weekdays of the meeting with the student, the Chief Academic Officer, or designee, will send the student a letter informing the student of the decision. The letter must also inform the student that the decision may be appealed to the College's President and that any appeal request must be written and must detail the reason(s) for the appeal. The student seeking the appeal must provide reasons for the appeal which sets forth a statement that specifies the issues that further review is sought and any evidence which supports the issue(s) on appeal. The written appeal must be sent to the President within five (5) instructional weekdays of the receipt of the Chief Academic Officer's decision.

After receiving the student's request, the President will review all written materials, non-written materials, and evidence relating to this incident and render one of the following decisions:

- a) Accept the decision and the sanction imposed
- b) Accept the decision, but impose a less severe sanction
- c) Overturn the decision
- d) Remand the case to the Student Hearing Committee to be re-heard.

The President's decision is final and cannot be appealed further.

C. STUDENT MISCONDUCT

Any member of the college community may file charges alleging a violation of the Code. A charge, that includes a description of the alleged violation, must be submitted in writing to the Chief Student Services Officer as soon as possible after the incident occurs, but no later than ten (10) instructional weekdays after the incident, unless the person filing the charge demonstrates that exceptional circumstances prevented filing the charge within this time period. The Chief Student Services Officer, or designee, will determine whether the circumstances merit an extension of the deadline.

1. Preliminary Investigation

Within five (5) instructional weekdays after the charge has been filed, the Chief Student Services Officer, or designee, shall complete a preliminary investigation of the charge and schedule a meeting with the student. After discussing the alleged infraction with the student and reviewing available information, the Chief Student Services Officer, or designee will decide whether the information presented during the meeting indicates that the violation occurred as alleged. When the student cannot be reached to schedule an appointment, or when the student fails to attend the meeting, the Chief Student Services Officer, or designee, will base the decision upon the available information.

If the available information indicates that the violation occurred as alleged, then one of the following sanctions will be imposed:

- a) Reprimand--A written warning documenting that the student violated a student conduct regulation and indicating that subsequent violations could result in more serious disciplinary sanctions.
- b) Restitution--Compensation for loss or damage to college property or the property of others while on the campus or at a college event or activity including but not limited to field trips, internships, and clinicals.
- c) Special Conditions-Completion of a variety of educational activities, relating to the nature of the offense may be imposed. Examples include, but are not limited to, the following: a formal apology, an essay or paper on a designated topic, or participation in a special project or activity.
- d) Disciplinary Probation-- A written reprimand documenting that the student violated a student conduct regulation. Probation is for a specified period of time and it serves as a warning that subsequent violations could most likely result in more serious disciplinary sanctions.
- e) Loss of Privileges-- Suspension or termination of particular student privileges.
- f) Suspension from the college--Separation from the college for a specified period of time. Suspended students will not receive academic credit for the semester in which the suspension was imposed. During the suspension period, the student may not return to the campus unless prior permission by the Chief Student Services Officer, or designee, has been granted.
- g) Expulsion from the college--Permanent separation from the college. An expelled student may not return to the campus unless prior permission by the Chief Student Services Officer, or designee, has been granted. An expelled student will not receive academic credit for the semester in which the expulsion was imposed.

- h) Any combination of the above.

Within five (5) instructional weekdays of the preliminary investigation, the Chief Student Services Officer, or designee, will send a certified letter to the student. This letter will confirm the date of the investigation, identify the specific regulation(s) that the student allegedly violated, identify the decision, summarize the rationale, and, if the student violated the regulation(s), state the sanction that was imposed. This letter must also state that if the student disagrees with the decision or the sanction, the student may request a hearing before the Hearing Committee, that the student must submit this request no later than two (2) instructional weekdays after receiving the decision letter unless a request is made and approved by the Chief Student Services Officer, or designee, for an extension, and that any decision made and sanction imposed after the preliminary investigation may be held in abeyance should the student decide to go before the Hearing Committee.

2. Hearing Committee

- a) The Hearing Committee shall be composed of the following:
 - 1) Three faculty members appointed by the Chief Academic Officer and approved by the President.
 - 2) Three student members appointed by the appropriate student governing body and approved by the President.
 - 3) One member of the Student Services staff appointed by the Chief Student Services Officer and approved by the President.
 - 4) The Chief Student Services Officer, or designee, who serves as an ex officio non-voting member of the Committee and who presents the case.
- b) The Hearing Committee shall perform the following functions:
 - 1) Hear cases of alleged violations of the Code of Student Conduct.
 - 2) Insure that the student's procedural rights are met.
 - 3) Make decisions based only on evidence and information presented at the hearing.
 - 4) Provide the student with a statement of the committee's decision including findings of fact and, if applicable, impose one or more of the following sanctions:
 - a) Academic Misconduct (cases sent to the Hearing Committee by the President)
 - 1) Assign a lower grade or score to the paper, project, assignment or examination involved in the act of misconduct.
 - 2) Require the student to repeat or resubmit the paper, project, assignment, or examination involved in the act of misconduct.
 - 3) Assign a failing grade for the course.
 - 4) Require the student to withdraw from the course.
 - b) Student Misconduct
 - 1) Reprimand-A written warning documenting that the student violated a student conduct regulation and indicating that subsequent violations could result in more serious disciplinary sanctions.
 - 2) Special Conditions-Completion of a variety of educational activities, relating to the nature of the offense may be imposed. Examples include, but are not limited to, the following: a formal apology, an essay or paper on a designated topic, or participation in a special project or activity.

- 3) Restitution-Compensation for loss or damage to college property or the property of others while on the campus, or at a college event or activity including but not limited to field trips, internships, and clinicals.
 - 4) Disciplinary Probation-A written reprimand documenting that the student violated a student conduct regulation. Probation is for a specified period of time and it serves as a warning that subsequent violations could most likely result in more serious disciplinary sanctions.
 - 5) Loss of Privileges-- Suspension or termination of particular student privileges.
 - 6) Suspension from the college--Separation from the college for a specified period of time. Suspended students will not receive academic credit for the semester in which the suspension was imposed. During the suspension period, the student may not return to the campus unless prior permission by the Chief Student Services Officer, or designee, has been granted.
 - 7) Expulsion from the college--Permanent separation from the college. An expelled student may not return to the campus unless prior permission by the Chief Student Services Officer, or designee, has been granted. An expelled student will not receive academic credit for the semester in which the expulsion was imposed.
 - 8) Any combination of the above.
- c) Hearing Committee Procedures
- 1) The Chief Student Services Officer, or designee, shall refer the matter to the Hearing Committee together with a report of the nature of the alleged misconduct, the name of the person(s) filing the complaint(s), the name of the student against whom the charge(s) has (have) been filed, and a summary of the findings from the preliminary investigation.
 - 2) At least seven (7) instructional weekdays before the date set for the Hearing Committee's meeting, the Chief Student Services Officer, or designee, shall send a certified letter to the student's address of record. The letter must contain the following information:
 - a) A statement of the charge(s).
 - b) A brief description of the incident that led to the charge (s).
 - c) The name of the person(s) submitting the incident report.
 - d) The date, time, and place of the scheduled hearing.
 - e) A list of all witnesses who might be called to testify.
 - f) A statement of the student's procedural rights. These rights follow:
 - 1) The right to consult counsel. This role of the person acting as counsel is solely to advise the student. Counsel may not address the Hearing Committee or participate in any of the questioning. The student has the responsibility for paying any of the counsel's fees and any other of the counsel's charges.
 - 2) The right to present witnesses on one's behalf.
 - 3) The right to know the names of any witnesses who may be called to testify at the hearing.
 - 4) The right to review all available evidence, documents, exhibits, etc., that may be presented at the hearing.
 - 5) The right to present evidence; however, the Hearing

Committee will determine what evidence is admissible.

- 6) The right to know the identity of the person(s) bringing the charge(s).
 - 7) The right to hear witnesses on behalf of the person bringing the charges.
 - 8) The right to testify or to refuse to testify without such refusal being detrimental to the student.
 - 9) The right to a fair and impartial decision.
 - 10) The right to appeal the Hearing Committee's decision.
- 3) On written request of the student, the hearing may be held prior to the expiration of the seven (7) day advance notification period if the Chief Student Services Officer, or designee, concurs with this change.
 - 4) The Chief Student Services Officer, or designee, may post- pone the hearing due to circumstances beyond the control of the parties.

d) Hearing Committee Meetings

- 1) The chair shall be appointed by the President from among the membership of the committee. Ex officio members of the committee may not serve as the chair of the committee.
- 2) Committee hearings shall be closed to all persons except the student, the person(s) initiating the charge(s), counsels for the student and for the College, witnesses who will be invited into the hearing and a person, mutually agreed upon by the committee and the student, to serve as the recorder.
- 3) The committee may identify someone to take written notes and the committee will have the hearing, with the exception of deliberations, recorded. No other party in the hearing may record the proceedings and no other party is entitled to a copy of the notes or the recording. The written notes and the recording will be maintained in the office of the Chief Student Services Officer. The student may review the notes and listen to the recording under the supervision of the Chief Student Services Officer or designee.
- 4) Witnesses shall be called in one at a time to make a statement and to respond to questions.
- 5) After hearing all of the information, the Hearing Committee will begin its deliberations. Using the standard "preponderance of evidence," which means that the information presented at the hearing would lead one to conclude that it is highly probable that the violation(s) occurred as alleged, the members will determine, by majority vote, whether the violation occurred as alleged. If it is determined that the violation(s) occurred as alleged, by majority vote, the members will decide upon the appropriate sanction.
- 6) The Chair of the Hearing Committee will send a certified letter to the student's address of record within two (2) instructional weekdays of the Committee's decision. The letter shall inform the student about the Committee's decision,

the date of the decision, and, if applicable the sanction(s) imposed. The letter will also inform the student about the appeal process.

3. Appeal

If the student disagrees with either the decision or the sanction, the student may submit a written appeal to the College's President. This letter must be submitted within ten (10) instructional weekdays of the date on which the Hearing Committee made its decision. The written appeal must include a statement indicating why the student disagrees with the Hearing Committee's findings.

The President, or designee, shall review the Hearing Committee's findings, conduct whatever additional inquiries as deemed necessary, and render a decision within ten (10) instructional weekdays of receiving the appeal. The President, whose decision is final, shall have the authority to approve, modify, or overturn the Hearing Committee's decisions and, if needed, void the process and reconvene another Hearing Committee. The President's decision regarding disciplinary actions under the Student Code 3-2-106.1 are not grievable.

The President, or designee, will inform the student about the outcome of the appeal in a certified letter sent to the student's address on record.

STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION

PROCEDURE

PROCEDURE NUMBER: 3-2-106.2

PAGE: 1 of 11

TITLE: STUDENT CODE PROCEDURES FOR
ADDRESSING ALLEGED ACTS OF SEXUAL
VIOLENCE AND SEXUAL HARASSMENT

**POLICY
REFERENCE NUMBER:** 3-2-106

**DIVISION OF
RESPONSIBILITY:** ACADEMIC AFFAIRS

DATE OF LAST REVISION: August 4, 2015

DATE APPROVED: August 13, 2015

I. Procedural Overview

The South Carolina Technical College System does not discriminate on the basis of race, color, gender, national or ethnic origin, age, religion, disability, marital status, veteran status, sexual orientation, gender identity, or pregnancy in educational programs and activities as required by Title IX. Any questions regarding Title IX may be referred to the college's Title IX Coordinator or to the Office of Civil Rights.

The Student Code for the South Carolina Technical College System sets forth the rights and responsibilities of the individual student, identifies behaviors that are not consistent with the values of college communities, and describes the procedures that will be followed to adjudicate cases of alleged misconduct. This Code applies to behavior or complaints alleging acts of sexual violence or sexual harassment on college property, at college-sponsored activities and events, and to off-campus behavior that adversely affects the college and/or the college community and the Code applies to all students from the time of applying for admission through the awarding of a degree, diploma, or certificate.

Any student, or other member of the college community, who believes that he/she is or has been a victim of sexual harassment or sexual violence may file a report with the college's Chief Student Services Officer, campus law enforcement, or with the college's Title IX Coordinator, or designee. The Title IX Coordinator's office location, email address, and phone number are printed in the college's catalog and appear on the college's website. Students may also contact any Responsible Employee, who has an obligation to report any claim of sexual harassment or

sexual assault to the Title IX Coordinator, or designee. The college will evaluate violations to their anti-bullying policy to determine if there is also a possible violation of Title IX.

The Title IX Coordinator, or designee will work with the student who filed a complaint (“Complainant”) under this policy to mitigate, to the extent reasonably possible, the likelihood of additional injury during the pendency of the investigation and proceedings. After a complaint has been filed alleging a sex offense covered under this regulation that has occurred, the Title IX Coordinator, or designee will also accommodate Complainants’ reasonable requests to change academic schedules, housing assignments, or to make other reasonable accommodations.

Reports may also be filed by any other member of the college community at any time. The Complainant may also file a criminal report regarding the alleged conduct. Title IX investigations are separate from criminal investigations. However, colleges may need to temporarily delay the fact-finding portion of a Title IX investigation while law enforcement gathers evidence. During this delay, colleges will take interim measures to protect the complainant in the educational setting. Additionally, all parties involved will receive updates of the status of the investigation and receive notification once the college resumes its Title IX investigation. The State Board for Technical and Comprehensive Education (SBTCE) and its member colleges encourage the prompt reporting of sexual misconduct to campus law enforcement and local law enforcement. Information regarding law enforcement reporting procedures is available on the colleges’ websites.

Due to the seriousness of these issues, the college will provide educational programs to promote the prevention and awareness of rape, acquaintance rape, sexual violence, and other forcible and non-forcible sex offenses, as well as sexual harassment awareness programs.

If the alleged violator named in the report is an employee or third party, the case will be adjudicated through SBTCE Student Grievance Procedure (SBTCE Procedure 3-2-106.3) and/or SBTCE Non-Discrimination, Anti-Harassment, and Sexual Misconduct Procedure (SBTCE 8-5-101.1).

If the alleged violator of this policy is a student, the case may be adjudicated through the Formal Resolution Process (Section IV) or the Informal Resolution Process/Mediation (Section V) as outlined in SBTCE Student Grievance Procedure (SBTCE Procedure 3-2-106.3).

II. Definitions

When used in this document, unless the context requires other meaning,

- A. A Complainant is an individual alleging conduct prohibited under this regulation.
- B. Conduct is considered “Unwelcome Conduct” if it is unrequested, uninvited, undesirable and/or offensive. Unwelcome conduct may take various forms, including, name-calling, graphic or written statements (including the use of cell phones or the Internet), or other conduct that may be physically threatening, harmful, or humiliating. Unwelcome conduct does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Participation in the conduct or the failure to complain does not always mean that the conduct was welcome. The fact that a student may have welcomed some conduct does

not necessarily mean that a student welcomed other conduct. Also, the fact that a student requested or invited conduct on one occasion does not mean that the conduct is welcome on a subsequent occasion.

- C. Consent is explicit approval and permission to engage in sexual activity demonstrated by clear action, words, or writings. Consent must be informed, voluntary, and mutual, and can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent. Silence or absence of resistance does not imply consent. Past consent to engage in sexual activity with another person does not imply ongoing future consent with that person or consent to engage in that same sexual activity with another person. If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption that meets this standard, or being asleep or unconscious.
- D. A Hostile Environment exists when sex-based harassment is sufficiently serious to deny or limit the student's ability to participate in or benefit from the college's programs or activities. A hostile environment can be created by anyone involved in a college's program or activity (e.g., administrators, faculty members, students, and campus visitors).
- E. Gender-Based Harassment is unwelcome conduct of a nonsexual nature based on a student's actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes.
- F. Preponderance of Evidence is the standard used to evaluate the evidence for purposes of making findings and drawing conclusions for an investigation conducted under this regulation.
- G. A Respondent is an individual accused of a violation under this regulation.
- H. A Responsible Employee is any employee who has the authority to take action to redress sexual violence or any other misconduct by students to the Title IX Coordinator or other appropriate school designee; or who a student could reasonably believe has this authority or duty.
- I. Retaliation is action taken by an accused individual or an action taken by a third party against any person that has opposed any practices forbidden under this policy or because that person has filed a complaint, testified, assisted, or participated in any manner in an investigation or proceeding under this policy. Action is generally deemed retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this policy.
- J. Sex-Based Harassment includes sexual harassment and gender-based harassment.
- K. Sexual Assault is actual or attempted sexual contact with another person without that person's consent. Sexual assault includes, but is not limited to: intentional touching of another person's intimate parts without that person's consent; or other intentional sexual

- contact with another person without that person's consent; or coercing, forcing, or attempting to coerce or force a person to touch another person's intimate parts without that person's consent; or rape, which is penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth of a person by a sex organ of another person, without that person's consent.
- L. Sexual Exploitation occurs when a person takes sexual advantage of another person for the benefit of anyone other than that person without that person's consent. Examples of behavior that could rise to the level of sexual exploitation include: Prostituting another person; recording images (e.g., video, photograph, or audio) of another person's sexual activity, intimate body parts, or nakedness without that person's consent; distributing images (e.g., video, photograph, or audio) of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure and objects to such disclosure; and viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent, and for the purpose of arousing or gratifying sexual desire.
 - M. Sexual Harassment is unwelcome conduct of a sexual nature, including but not limited to unwelcome sexual advances; requests for sexual favors; or other verbal or nonverbal conduct of a sexual nature, including rape, sexual violence, sexual assault, and sexual exploitation. In addition, depending on the facts, dating violence, domestic violence, and stalking may be may also be forms of sexual harassment.
 - N. Sexual Violence is a broader term than sexual assault. The term encompasses sexual homicide, rape, incest, molestation, fondling, stalking, intimate partner violence, and verbal harassment of a sexual nature. Sexual violence includes creating an environment that feels unsafe based on sexual messages or images. Sexual violence is a sexual act that is completed or attempted against a victim's will or when a victim is unable to consent due to age, illness, disability, or the influence of alcohol or other drugs. The act may involve actual or threatened physical force, use of weapons, coercion, intimidation or pressure.
 - O. Stalking includes repeatedly following, harassing, threatening, or intimidating another by telephone, mail, electronic communication, social media, or any other action, device, or method that purposely or knowingly causes substantial emotional distress or reasonable fear of bodily injury or death to the targeted person or a member of their family.

III. Sanctions

Following an investigation by the Title IX Coordinator, or designee, and/or hearing before the Hearing Committee the following sanctions may be imposed, if the available information indicates that a violation has occurred:

- A. Reprimand--A written warning documenting that the student violated a student conduct regulation and indicating that subsequent violations could result in more serious disciplinary sanctions.

- B. Special Conditions—Completion of a variety of educational activities, relating to the nature of the offense may be imposed. Examples include, but are not limited to, the following: a formal apology, an essay or paper on a designated topic, or participation in a special project or activity.
- C. Disciplinary Probation--A written reprimand documenting that the student violated a student conduct regulation. Probation is for a specified period of time and it serves as a warning that subsequent violations could most likely result in more serious disciplinary sanctions.
- D. Loss of Privileges-- Suspension or termination of particular student privileges.
- E. Suspension from the college--Separation from the college for a specified period of time. Suspended students will not receive academic credit for the semester in which the suspension was imposed. During the suspension period, the student may not return to the campus unless prior permission by the Chief Student Services Officer, or designee, has been granted.
- F. Expulsion from the college--Permanent separation from the college. An expelled student may not return to the campus unless prior permission by the Chief Student Services Officer, or designee, has been granted. An expelled student will not receive academic credit for the semester in which the expulsion was imposed.
- G. Additional Measures – Minimizing contact between Complainant and Respondent; may include, but is not limited to: change in academic and extracurricular activities, living arrangements, transportation, dining, and college-related work assignments, as appropriate.
- H. Any combination of the above.

IV. Formal Resolution Process

- A. Preliminary Investigation

Within five (5) instructional weekdays after the charge has been filed, the Title IX Coordinator, or designee, shall complete a preliminary investigation of the charge and schedule a meeting with the alleged violator (Respondent) and, if needed, the Complainant. During the pendency of the investigation, the college will take reasonable measures to ensure the requirements of any judicial no-contact, restraining, or protective orders are followed while the Complainant is engaged in school activities. After discussing the alleged infraction with the Respondent and reviewing available information, the Title IX Coordinator, or designee will decide whether the information presented during the meeting indicates that a violation occurred. When the Respondent cannot be reached to schedule an appointment or when the Complainant fails to attend the meeting, the Title IX Coordinator, or designee, will base the decision upon the available information.
- B. Sanctioning

If the available information indicates that a violation has occurred, then one of the following sanctions outlined in Section III will be imposed.

C. Notification of Resolution

Within five (5) instructional weekdays of completion of the preliminary investigation, the Title IX Coordinator, or designee, will send a certified letter to the Respondent and to the Complainant. This letter will confirm the date of the preliminary hearing, identify the specific regulation(s) that the Respondent allegedly violated, identify the decision, summarize the rationale, and, if the Respondent violated the regulation(s), state the sanction that was imposed. This letter must also state that if the Respondent or the Complainant disagrees with the decision or the sanction, either party may request a hearing before the Hearing Committee, that the request must be submitted no later than two (2) instructional weekdays after receiving the decision letter unless a request is made and approved by the Title IX Coordinator, or designee, for an extension, and that any decision made and sanction imposed after the preliminary investigation may be held in abeyance pending the outcome of the Hearing Committee's meeting. Under exceptional circumstances, the Title IX coordinator, or designee may extend the timeframe of the investigation and hearing process.

D. Hearing

If it is determined by the Title IX Coordinator, or designee, that the alleged violation occurred and that a hearing is necessary or if a hearing is requested, the Title IX Coordinator, or designee, shall refer the matter to the Hearing Committee together with a report of the nature of the alleged misconduct, the name of the person(s) filing the complaint(s), the name of the student against whom the charge(s) has (have) been filed, and a summary of the findings from the preliminary investigation. The Title IX coordinator, or designee, will also take steps, where necessary, to prevent the further harassment of or retaliation against the Complainant, the victim (if not the Complainant), or third parties, such as informing them about how to report subsequent problems, following up with them to ensure that there are no subsequent problems, providing trainings for the school community, and providing sexual harassment or sexual assault or other counseling to the Complainant. The Title IX Coordinator, or designee, where appropriate, will ensure the Complainant is aware of available resources such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, and legal assistance. The Title IX Coordinator, or designee, where appropriate, will also take steps to prevent the harassment of the Respondent. Furthermore, the Title IX Coordinator, or designee will take prompt corrective action if the Complainant or the victim (if not the Complainant) experiences retaliation or is subjected to further sexual harassment or sexual assault or if the original sanctions imposed on the Respondent are ineffective to protect the safety and well-being of the Complainant, the victim (if not the Complainant), or other members of the Technical College community. In cases involving sexual harassment, the Title IX Coordinator, or designee, will also take reasonable steps to eliminate any hostile environment that has been created, such as conducting trainings and disseminating informational materials. In taking the above-outlined steps, the Title IX Coordinator, or designee, will make every reasonable effort to minimize the burden on the Complainant and/or alleged victim.

1. At least seven (7) instructional weekdays before the date set for the Hearing Committee's meeting, the Title IX Coordinator, or designee, shall send a certified letter to the Respondent's address of record and to the Complainant's address of record. The letter must contain the following information:

- a) A statement of the charge(s).
- b) A brief description of the incident that led to the charge (s).
- c) The name of the person(s) submitting the incident report.
- d) The date, time, and place of the scheduled hearing.
- e) Identification of the members and chair of the Hearing Committee
- f) A list of all witnesses who might be called to testify.
- g) A statement of each party's procedural rights. These rights follow:
 - 1) The right to consult counsel. This role of the person acting as counsel is solely to advise the student. Counsel may not address the Hearing Committee or participate in any of the questioning. The student has the responsibility for paying any of the counsel's fees and any other of the counsel's charges.
 - 2) The right to present witnesses on one's behalf.
 - 3) The right to know the names of any witnesses who may be called to testify at the hearing.
 - 4) The right to review all available evidence, documents, exhibits, etc., that may be presented at the hearing.
 - 5) The right to present evidence; however, the Hearing Committee will determine what evidence is admissible.
 - 6) The right to know the identity of the person(s) bringing the charge(s).
 - 7) The right to hear witnesses on behalf of the person bringing the charges.
 - 8) The right to testify or to refuse to testify without such refusal being detrimental to the student.
 - 9) The right to challenge the participation of any member of the Hearing Panel by submitting a written objection to the assigned Title IX Coordinator within three (3) days of notification. Such an objection must state the specific reason(s) for the objection. The Title IX Coordinator will evaluate the objection and determine whether to alter the composition. Any changes in the composition of the Hearing Panel will be provided in writing to both parties prior to the date of the first hearing.
 - 10) The right to a fair and impartial decision.
 - 11) The right to appeal the Hearing Committee's decision.

2. On written request of the Respondent or the Complainant, the hearing may be held prior to the expiration of the seven (7) day advance notification period if the Title IX Coordinator, or designee, concurs with this change.

3. The chairperson of the Hearing Committee, in his/her discretion, may postpone the hearing due to circumstances beyond the control of the parties.

E. Appeal

If either student disagrees with the decision or, only in the cases involving charges of sexual violence, the sanction, the student may submit a written appeal to the college's President. This letter must be submitted within ten (10) instructional weekdays of the date on which the Hearing Committee communicated its decision to the parties involved. The written appeal must include a statement indicating why the student disagrees with the Hearing Committee's findings.

The President, or designee, shall review the Hearing Committee's findings, conduct whatever additional inquiries as deemed necessary, and render a decision within ten (10)

instructional weekdays of receiving the appeal. The President, whose decision is final, shall have the authority to approve, modify, or overturn the Hearing Committee's decisions and, if needed, void the process and reconvene another Hearing Committee.

The President, or designee, will inform each student about the outcome of the appeal in a certified letter sent to the student's address of record.

V. Informal Resolution/Mediation Process

At any time before the Hearing Committee provides notice of the Complainant's hearing, the Complainant may elect to resolve his or her Complaint through the informal resolution (mediation) process, provided that (1) the Respondent agrees to such resolution, (2) the Complainant and the Respondent are both students, (3) the Title IX Coordinator, or designee, determines that informal resolution is an appropriate mechanism for resolving the Complaint, and (4) the Complaint does not involve sexual assault, sexual exploitation, and sexual violence. Otherwise, a Complaint that is not closed pursuant to the Title IX Coordinator's, or designee's, evaluation of the Investigative Report will proceed to formal resolution.

At any time prior to the date of his or her designated hearing, the Respondent may elect to acknowledge his or her actions and take responsibility for the alleged sexual harassment or sexual assault, sexual exploitation, and sexual violence. In such a situation, the Title IX Coordinator will propose sanction(s). If the Complainant or the Respondent objects to such proposed sanction(s), then a Hearing Committee will convene for the exclusive purpose of determining a sanction, which determination may be subject to appeal.

Informal resolution may not be selected for less than all of the misconduct alleged in the Complaint. If the parties agree to informal resolution (and informal resolution is appropriate for all the claims at issue), then all of the claims must be resolved according to the informal resolution process.

The Complainant and Respondent both have the right to terminate the informal resolution process at any time and proceed with formal resolution. Furthermore, the Title IX Coordinator, or designee, may, where appropriate, terminate or decline to initiate informal resolution, and proceed with formal resolution instead. In such cases, statements or disclosures made by the parties in the course of the informal resolution process may be considered in the subsequent formal resolution proceedings.

- A. The Title IX Coordinator, or designee, will appoint a Mediator to oversee the mediation process.
- B. Notice of the Mediation- Promptly after the Title IX Coordinator, or designee has appointed the Mediator; the Title IX Coordinator, or designee will provide concurrent written notice to the Complainant and the Respondent, setting forth 1.) the date, time, and location of the mediation; 2.) the name of the individual selected to serve as the Mediator.
- C. No Contact- Parties may not contact each other outside of the mediation, even to discuss the mediation.

- D. Attendance- Both the Complainant and the Respondent are expected to attend the mediation. If either party fails to appear at the mediation, and such party was provided proper notice of the mediation as set forth above, the Mediator may either direct that resolution of the Complaint to be determined according to the formal resolution process set forth above, or if the Complainant fails to appear without good cause, dismiss the Complaint.
- E. The Mediation
1. The Complainant's Rights. During the mediation the Complainant may:
 - a) Confront the Respondent in the presence of, and facilitated by, the Mediator
 - b) Communicate his or her feelings and perceptions regarding the incident and the impact of the incident either by communicating directly with the Respondent or by communicating indirectly with the Respondent through the Presiding Officer and/or
 - c) Relay his or her wishes and expectations regarding protection in the future.
 2. Counsel and Advisors
 - a) Legal Counsel- Under no circumstances may legal counsel be present at the mediation on behalf of the alleged Complainant or Respondent. The College, however, may seek advice from legal counsel on questions of law and procedure through the mediation process.
 - b) Other Advisors- Absent accommodation for disability, the parties may not be accompanied by an advisor during the mediation.
 3. Resolution

During the mediation, the Presiding Officer will attempt to facilitate the parties' resolution of the Complaint. If the mediation results in a resolution between the parties and the Title IX Coordinator, or designee, finds the resolution to be appropriate under the circumstances (giving consideration to the extent to which the resolution will protect the safety of the Complainant and entire college community), the informal disciplinary procedure will be concluded, and the complaint will be closed. If such a resolution is reached, the terms of the resolution shall be committed to writing and signed by all parties. If the parties are unable to reach a resolution, the formal resolution process outlined above will promptly commence.
 4. Revocation

Any party bound by a resolution reached during mediation shall have the right to revoke the written mediation agreement provided such revocation is in writing and received by the Title IX Coordinator, or designee, no later than the close of business on the fifth day after full execution of the agreement.
- F. Privacy and Disclosure. In order to comply with FERPA and Title IX and to provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, the informal resolution process is not open to the general public. Accordingly, documents prepared in anticipation of the mediation and other information introduced at the mediation may not be disclosed outside of the mediation, except as may be required or authorized by law.

- G. Documentation. The college will retain any documentation of the mediation for at least seven (7) years.

VI. Hearing Committee

The Hearing Committee shall be composed of the following:

- A. Five (5) faculty/and or staff members and one (1) Ex Officio nonvoting member appointed by the Title IX Coordinator, or designee.
- B. All cases are decided by a majority vote. In extenuating circumstances hearings may move forward with three (3) members.
- C. The Title IX Coordinator, or designee, will designate one (1) member of the Hearing Committee as the Chair.

The Hearing Committee shall perform the following functions:

- A. Hear cases of alleged violations of the Code of Student Conduct.
- B. Insure that the student's procedural rights are met.
- C. Make decisions based only on evidence and information presented at the hearing.
- D. Determine sanctions, giving consideration to whether a given sanction will (a) bring an end to the violation in question, (b) reasonably prevent a recurrence of a similar violation, and (c) remedy the effects of the violation.
- E. Provide the student with a statement of the committee's decision including findings of fact and, if applicable, impose one or more of the sanctions outlined in Section III.

Hearing Committee Meetings

- A. The chair shall be appointed by the Title IX Coordinator, or designee, from among the membership of the Committee. Ex officio members of the committee may not serve as the chair of the committee.
- B. Committee hearings shall be closed to all persons except the student, the person(s) initiating the charge(s), counsels for any student and for the college, witnesses who will be invited into the hearing and a person, mutually agreed upon by the Committee and the student(s), to serve as the recorder.
- C. The Committee may identify someone to take written notes and the committee will have the hearing, with the exception of deliberations, recorded. No other party in the hearing may record the proceedings, and no other party is entitled to a copy of the notes or the recording. The written notes and the recording will be maintained in the office of the Title IX Coordinator. The student may review the notes and listen to the recording under the supervision of the Title IX Coordinator or designee.
- D. Witnesses shall be called in one at a time to make a statement and to respond to questions.
- E. After hearing all of the information, the Hearing Committee will go begin its deliberations. Using the "preponderance of evidence" standard, which means that it is more likely than not that the violation, occurred, the members will determine, by majority vote, whether the violation occurred. If it is determined that the violation occurred, by majority vote, the members will decide upon the appropriate sanction.
- F. The Chair of the Hearing Committee will send a certified letter to the Respondent's and to the Complainant's addresses of record within two (2) instructional weekdays of the Committee's decision. The letter shall inform the students about the Committee's decision, the date of the decision, and, if applicable the sanction(s) imposed. The letter will also inform each recipient about the appeal process.

1. When the case results in a finding that the student engaged in an act of sexual violence, the Chair's letter to the Complainant will also include the sanction imposed by the Hearing Committee.
2. When the case results in a finding that the student engaged in an act of non-violent sexual harassment, the Chair's letter to the Complainant will only include the sanction imposed by the Hearing Committee if the sanction directly relates to the Complainant (e.g., the violator has been directed to stay away from the Complainant while on the college's campus).

VII. Confidentiality and Privacy

The college will protect Complainants' privacy to the extent possible under the law. In some situations, including those in which disciplinary action is a possible outcome, due process may require disclosure of information to persons accused.

The college will make every reasonable effort to abide by Complainants' wishes to remain anonymous; however, the college will balance requests for anonymity/confidentiality with the safety of other members of the community. Factors that will be considered in determining whether to disclose a complaint or report of misconduct to a respondent include: the seriousness of the alleged conduct; the Complainant's age; whether there have been other complaints about the same individual; and the alleged violator's rights to receive information about the allegations if the information is maintained by the school as an "education record" under the Family Educational Rights and Privacy Act (FERPA). All hearings closed to all persons except those referenced in hearing section (VI, "Hearing Committee Meetings").

VIII. Amnesty for Drug and Alcohol Possession and Consumption Violations

Students are encouraged to report instances of sex-based discrimination, sexual harassment, and sexual harassment or sexual assault involving students. Therefore, students who report information about sex-based discrimination, sexual harassment, or sexual harassment or sexual assault involving students will not be disciplined by the college for any violation of the college's drug or alcohol possession or consumption policies in which they might have engaged in connection with the report.

STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION

PROCEDURE

PROCEDURE NUMBER: 3-2-106.3

PAGE: 1 of 7

TITLE: THE STUDENT GRIEVANCE PROCEDURE FOR
THE SOUTH CAROLINA TECHNICAL COLLEGE
SYSTEM

**POLICY
REFERENCE NUMBER:** 3-2-106

**DIVISION OF
RESPONSIBILITY:** ACADEMIC AFFAIRS

DATE OF LAST REVISION: June 5, 2015

DATE APPROVED: August 13, 2015

I. PURPOSE

The purpose of the student grievance procedure is to provide a system to channel and resolve student complaints against a college employee concerning decisions made or actions taken. A decision or action can be grieved only if it involves a misapplication of a college's policies, procedures, or regulations, or a state or federal law. This procedure may not be used in the following instances: 1) to grieve a claim against a college employee for any matter unrelated to the employee's role or position at the college; 2) for complaints or appeals of grades awarded in a class or for an assignment, unless the complaint is based upon alleged discrimination on the basis of age, gender, race, disability or veteran's status or on the basis of alleged sexual harassment; or 3) to grieve a decision for which other grievance or appeal procedures exist (e.g., appeal of a disciplinary case, a residency appeal, a financial aid appeal, FERPA grievances, transfer credit evaluations, etc.).

The student filing the grievance must have been enrolled at the college at the time of decision or action being grieved and must be the victim of the alleged mistreatment. A grievance cannot be filed on behalf of another person.

II. DEFINITIONS

When used in this document, unless the content requires other meaning,

- A. "College" means any college in the South Carolina Technical College System.
- B. "President" means the chief executive officer of the college.
- C. "Administrative Officer" means anyone designated at the college as being on the administrative staff, such as the President, Chief Academic Officer, Chief Student Services Officer, etc.
- D. "Chief Student Services Officer" means the Administrative Officer at the College who has overall management responsibility for student services or his/her designee.
- E. "Chief Academic Officer" means the Administrative Officer at the College who has overall management responsibility for academic programs and services or his/her designee.
- F. "Grievable Act or Decision" means a misapplication of a college's policies, procedures, or regulations, or a violation of a state or federal law.
- G. "Days" means an instructional weekday, excluding Saturday and Sunday and all days in which the college is closed.
- H. "Student" means a person taking any course(s) offered by the college.
- I. "Instructor" means any person employed by the college to conduct classes.
- J. "Staff" means any person employed by the college for reasons other than conducting classes.
- K. "Campus" means any place where the college conducts or sponsors educational, public service, or research activities.

III. GRIEVANCE PROCESS

A. Filing a Complaint

This procedure must be initiated by the student within 30 instructional weekdays of becoming aware of the decision, action, or event giving rise to the grievance. This time limit may be extended by the President or his/her designee, if the student requests an extension within the 30 day period.

Before initiating the Student Grievance process, a student may go to the college employee who originated the alleged problem and attempt to resolve the matter informally. In instances alleging discrimination or harassment, including sexual harassment and violence, the student is not required to initially try to resolve the matter with the person alleged to have committed the violation under this policy. Where applicable, if the student is not satisfied with the outcome of this meeting or if the student prefers to ignore this step, then

the student may file a written complaint and initiate the grievance process. This written complaint should describe the decision or action that is being grieved, the date of the decision or action, and the college employee(s) involved in the decision or action.

1. Written complaints about alleged discrimination or harassment on the basis of age, gender, race, color, national origin, disability or veteran's status and written complaints about alleged sexual harassment or violence shall be submitted to the employee(s) designated in the college's Statement of Nondiscrimination to coordinate Section 504, Title II, and Title IX compliance.
2. Written complaints about decisions and actions not related to discrimination on the basis of age, gender, race, disability, veteran's status, or sexual harassment shall be submitted to the college's Chief Student Services Officer.
3. Any written complaint naming the college's President as the person whose alleged action or decision originated the problem shall be submitted to the President of the South Carolina Technical College System.

B. Pre-Hearing

The person receiving the student's written complaint will send a written acknowledgement to the student no later than two instructional weekdays after receiving the written complaint.

The person receiving the complaint will forward the complaint to the immediate supervisor of the employee named in the complaint no later than two instructional weekdays after it has been received. When the President is named in the complaint, the South Carolina Technical College System's Vice President of Academic Affairs will be responsible for the pre-hearing.

As a part of the effort to resolve the matter, the supervisor, or the South Carolina Technical College System's Vice President for Academic Affairs, will consult, as needed, with the employee named in the complaint, the student filing the complaint, and Chief Administrative Officer of the division or component concerned.

The supervisor, or the South Carolina Technical College System's Vice President for Academic Affairs, shall respond in writing to the student within ten instructional weekdays of receipt of the complaint. The response, sent by certified mail, shall include a summary of the findings and, as needed propose the steps that shall be taken to resolve the complaint. If the student does not agree with the proposed resolution, the student may request to have the complaint heard by the Student Grievance Committee.

When the College's President is named in the complaint, the President of the South Carolina Technical College System will convene a three person ad hoc committee consisting of System Presidents or a three person ad hoc committee from within the System to hear the student's complaint.

C. Student Grievance Hearing

1. Requesting a Hearing

- a) The student must submit a written request for a Grievance Hearing to the Chief Student Services Officer within five instructional weekdays after receiving the supervisor's written response and no later than fifteen instructional days after the supervisor sent the summary of findings. The request must include a copy of the student's original written complaint, a copy of the supervisor's response, and a statement describing why the supervisor's response was unsatisfactory.
- b) If the student does not submit the written request for a hearing within fifteen instructional weekdays, and the student can demonstrate that extenuating circumstances resulted in the failure to meet this deadline, the Chief Student Services Officer may allow the hearing to take place.
- c) Within two instructional days of receiving the request for a hearing, the Chief Student Services Officer shall notify the President or, as appropriate, the System President about the need to convene a Student Grievance Committee or an ad hoc committee of System Presidents. These committees shall be formed to hear specific complaints and a new committee may be formed each time a grievance covered by this procedure is filed.

2. Grievance Committees

- a) Student Grievance Committee--The President must approve all recommended members. The committee shall be composed of the following:
 - 1) Three students recommended by the governing body of the student body.
 - 2) Two faculty members recommended by the Chief Academic Officer.
 - 3) One Student Services staff member recommended by the Chief Student Services Officer.
 - 4) One administrator, other than the Chief Student Services Officer, to serve as the Committee's chairperson.
 - 5) The Chief Student Services Officer, or designee, who serves as an ex- officio, nonvoting member of the committee.
- b) Ad hoc Committee of Presidents—The President of the South Carolina Technical College System will select three System Presidents to serve on this committee and identify one of the three Presidents to serve as the chairperson for the hearing.
- c) The Chief Student Services Officer, or designee, will send copies of the student's request for a hearing to the committee members, the employee, and the employee's supervisor. The employee against whom the grievance was filed has an opportunity

to submit his/her response to the request for a hearing to the Committee prior to the hearing.

- d) The Student Grievance Committee's meeting(s) shall be conducted within twenty-one instructional weekdays following the date of the request. The chairperson may grant a postponement if either party submits a written request no later than five instructional weekdays prior to the scheduled meeting. The chairperson of the Student Grievance Committee, in his/her discretion, may postpone the hearing due to circumstances beyond the control of the parties. The re-scheduled hearing must take place within ten instructional weekdays of the date of the previously scheduled hearing.

3. Hearing Procedures

- a) The Chief Student Services Officer, or designee, shall send a certified letter to the student filing the complaint and to the employee(s) named in the complaint at least five instructional weekdays before the scheduled hearing. This letter shall include:

- 1) a brief description of the complaint, including the name of the person filing the complaint;
- 2) the date, time, and location of the meeting;
- 3) the name of any person who might be called as a witness.
- 4) a list of the student's procedural rights. These rights follow:
 - a) The right to review all available evidence, documents or exhibits that each party may present at the meeting. This review must take place under the supervision of the Chief Student Services Officer, or designee.
 - b) The right to appear before the Hearing Committee and to present information and additional evidence, subject to the Committee's judgment that the evidence is relevant to the hearing.
 - c) The right to consult with counsel. This person serving as counsel may not address the committee, question the employee(s) named in the complaint, or any witnesses. The student will be responsible for paying any fees charged by the advisor.
 - d) The right to present witnesses who have information relating to the complaint. Witnesses will be dismissed after presenting the information and responding to questions posed by the Grievance Committee, the student filing the complaint, and the employee(s) named in the complaint.

- b) At least ten (10) instructional weekdays before the scheduled hearing the parties must submit the names of persons that the parties anticipate calling as witnesses as well as any evidence that the parties intend to introduce at the hearing.

- c) Hearings are closed to the public. When testimony is being given, only the committee members, the student and his/her advisor, the employee and his/her advisor, and the witness giving testimony may be present. During deliberations, only the members of the Committee may be present.
- d) Hearings are informal and a tape recording of the testimony presented during the hearing may be made. The Committee's deliberations are not tape recorded. After resolution of the appeal, the tape recording will be kept for three months in the office of the Chief Student Services Officer, or designee. The student filing the complaint or the employee(s) named in the complaint may listen to this tape recording under the supervision of the Chief Student Services Officer, or designee.
- e) The Committee may question the student and the employee(s). The Committee may also question the employee's (employees') supervisor(s) and any additional witnesses that it considers necessary to render a fair decision. Questions must be relevant to the issues of the grievance.
- f) Both parties to the grievance may ask questions of the other during the hearing. These questions must be relevant to the issues stated in the written complaint. The Chairperson of the Committee will determine the appropriateness of the questions.
- g) The Committee bears the burden of determining whether the allegations are supported by the information available through the hearing. The Committee will use a preponderance of the evidence standard in making this determination.
- h) The Committee shall decide the solution of the grievance by a majority vote. In case of a tie, the chairperson may vote.
- i) The chairperson shall forward a copy of the Committee's decision to the student filing the complaint and to the employee(s) named in the complaint within two instructional weekdays of the Committee's decision. This letter will include a rationale for the Committee's decision and inform the student and employee(s) that they have a right to appeal the Committee's decision.

D. Appeal Process

If either party is not satisfied with the Student Grievance Committee's decision, that person may submit a written appeal to the President of the College within ten instructional weekdays of the Committee's decision. The written appeal must include a statement indicating why the person was not satisfied with the committee's decision. The President shall review the Committee's findings, conduct whatever additional inquiries are deemed necessary and render a decision within ten instructional weekdays of receipt of the appeal. The President's decision is final and this decision cannot be the sole reason for filing a grievance against the President.

If either party is not satisfied with the System Office's ad hoc Committee of System Presidents' decision, that person may submit a written appeal to the President of the South Carolina Technical College System within ten instructional weekdays of the Committee's decision. The written appeal must include a statement indicating why the person was not

satisfied with the Committee's decision. The System President shall review the Committee's findings, conduct whatever additional inquiries are deemed necessary and render a decision within ten instructional weekdays of receipt of the appeal. The System President's decision is final.